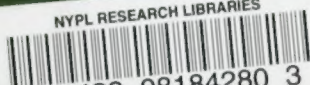


NYPL RESEARCH LIBRARIES



3 3433 08184280 3



Digitized by the Internet Archive  
in 2008 with funding from  
Microsoft Corporation



7-1 WE









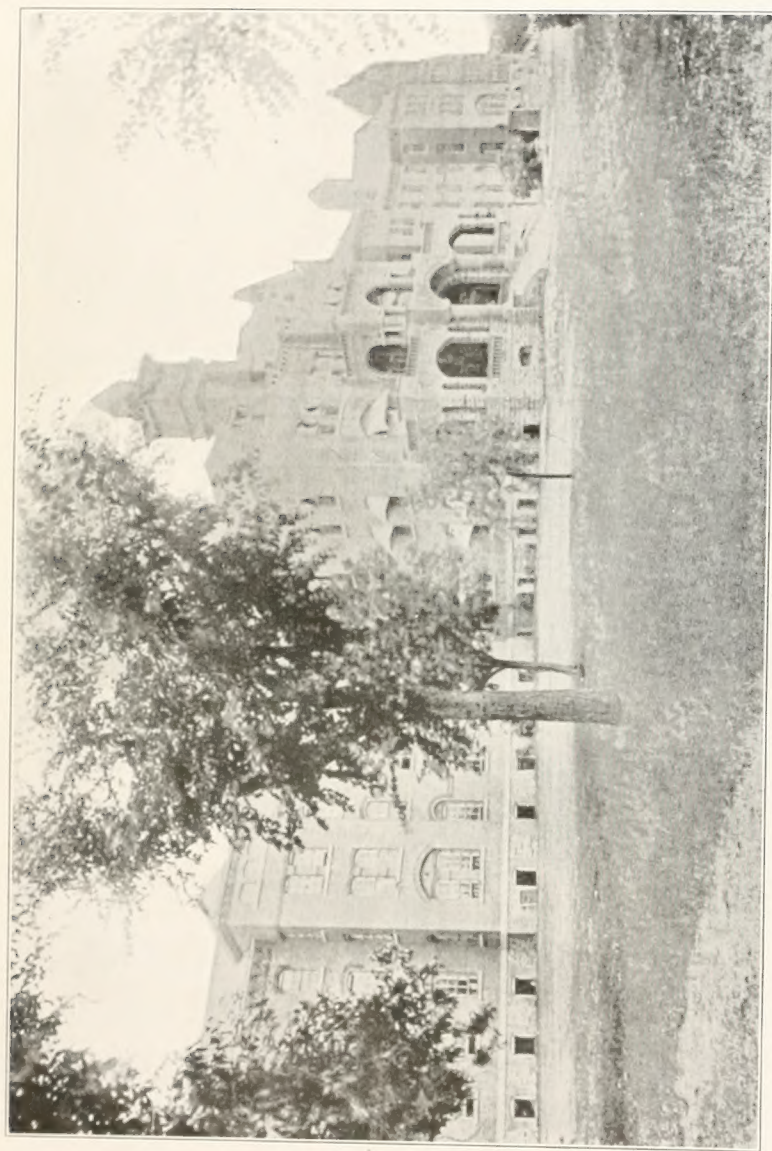












TERRITORIAL INSANE HOSPITAL, YANKTON

First public institution erected in the territory. Main building erected 1881-83; 1887-89



# HISTORY OF DAKOTA TERRITORY

BY

GEORGE W. KINGSBURY

## SOUTH DAKOTA ITS HISTORY AND ITS PEOPLE

EDITED BY

GEORGE MARTIN SMITH, B.A., A.M.

---

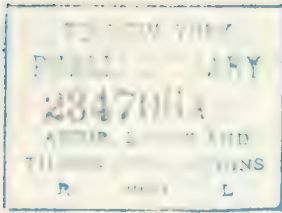
ILLUSTRATED

---

VOLUME II

---

CHICAGO  
THE S. J. CLARKE PUBLISHING COMPANY  
1915



COPYRIGHT 1915  
BY  
THE S. J. CLARKE PUB. CO.  
CHICAGO

# CONTENTS

## CHAPTER LXXV

### REPUBLICANS UNITE—DEMOCRATS DIVIDE—IMPORTANT JUDICIAL DECISION

1874-75

SENATOR RAMSEY'S BILL TO DIVIDE DAKOTA—REPUBLICANS UNITE AND CALL TERRITORIAL CONVENTION—CONVENTION AT ELK POINT—NAMES OF DELEGATES—JUDGE KIDDER FINALLY UNANIMOUSLY NOMINATED FOR DELEGATE—DEMOCRATIC CONVENTION AT ELK POINT—HON. W. A. BURLEIGH FINALLY NOMINATED AND ACCEPTS—BOLTING CONVENTION HELD AND E. W. MILLER NOMINATED—BURLEIGH FINALLY WITHDRAWS, MILLER ALSO—SECOND CONVENTION HELD AND BURLEIGH RENOMINATED—BURLEIGH DECLINES, WHEN A THIRD CONVENTION ASSEMBLES AND NOMINATES ARMSTRONG—ARMSTRONG PUBLICLY ANNOUNCES THAT HE WILL NOT ACCEPT ANOTHER NOMINATION—CAMPAIGN PROCEEDS AND KIDDER IS ELECTED—LEGISLATURE CONVENES IN TENTH SESSION—GOVERNOR PENNINGTON'S FIRST MESSAGE—EXEMPTION LAW REPEALED—SURVEY OF SOUTHERN BOUNDARY OF DAKOTA—SIOUX INDIAN LAND NORTH OF YANKTON CESSION CEDED BY TREATY OF 1868—JUDGE KIDDER'S DECISION.....985

## CHAPTER LXXVI

### THE CENTENNIAL YEAR OF OUR COUNTRY'S INDEPENDENCE

1876

CENTENNIAL YEAR OF INDEPENDENCE OF THE UNITED STATES—ARMSTRONG MAKES AN ADDRESS—SCHOOL STATISTICS—PRESIDENTIAL ELECTION—TERRITORIAL CONVENTION TO ELECT DELEGATES TO NATIONAL CONVENTION—A SECOND CONVENTION TO NOMINATE A CANDIDATE FOR DELEGATE TO CONGRESS—THE DEMOCRATS CONVENE AT YANKTON FOR THE SAME PURPOSE—HAYES, REPUBLICAN, AND TILDEN, DEMOCRAT, WERE OPPOSING CANDIDATES FOR PRESIDENT—HAYES ELECTED—KIDDER, REPUBLICAN, AND SPINK, DEMOCRAT, WERE OPPOSING CANDIDATES FOR DELEGATE—KIDDER ELECTED—GOVERNMENT TO IMPROVE RED RIVER—GRASSHOPPER CONVENTION AT OMAHA—LARGE IMMIGRATION TO BLACK HILLS IN SPITE OF MILITARY OPPOSITION.....1005

## CHAPTER LXXVII

### LEGISLATURE—WHEAT FIELDS OF NORTH DAKOTA

1877

LEGISLATURE 1877—GOVERNOR'S MESSAGE—BLACK HILLS CDED BY THE SIOUX—MUCH PRELIMINARY LEGISLATION—SOLDIERS' AND SAILORS' REUNION—JOHN B. RAYMOND APPOINTED MARSHAL—GRASSHOPPER PROCLAMATION—A DAY OF FASTING—THE WHEAT FIELDS OF NORTH DAKOTA—THE DALRYMPLE FARM—IMMIGRATION, CROPS, ETC.—COUNTIES ORGANIZED.....1019

## CHAPTER LXXVIII

PROSECUTION AND PERSECUTION OF INDIAN AGENTS  
1878

GRANT'S INDIAN PEACE POLICY—ITS SUCCESSFUL ADMINISTRATION FOR EIGHT YEARS—AN IGNOBLE AND VICIOUS PLOT TO DEFAME IT—THE NEW ADMINISTRATION ASSAILS PAST INDIAN MANAGEMENT—WHOLESALE SUDDEN ARREST OF INDIAN AGENTS—THE CROW CREEK SUDDENLY "POUNCED UPON" BY SOLDIERS—SECRETARY SCHURZ AND SUPERINTENDENT HAMMOND—THE PLAN OF THE PROSECUTORS—THE AGENT INDICTED, TRIED AND ACQUITTED IN EVERY CASE—A SKETCH OF A PORTION OF THE COURT PROCEEDINGS—EVER THE RIGHT COMES UPPERMOST AND EVER IS JUSTICE DONE.....1036

## CHAPTER LXXIX

INDIAN TROUBLES ON THE RIVER JAMES  
1878-79

INDIAN WAR ON THE JAMES RIVER—DRIFTING GOOSE A TROUBLE MAKER—SETTLERS DRIVEN OFF AND SURVEYORS COMPELLED TO QUIT—DRIFTING GOOSE HAS PALE FACED FRIENDS—GENERAL SIBLEY WRITES A LETTER—THE INDIANS CLAIM THE LAND WAS NEVER CEDED—JUDGE KIDDER'S IMPORTANT DECISION THAT THE SIOUX SURRENDERED THE LAND BY THE TREATY OF 1868—PRESIDENT HAYES GRANTS THE INDIANS A RESERVATION AND THE WHITES ARE ALARMED—THE FIRST MAIL SERVICE FROM YANKTON TO JAMESTOWN.....1052

## CHAPTER LXXX

RAPID GROWTH OF POPULATION AND RAILROAD EXTENSION  
1879

THE BEGINNING OF THE HEAVY IMMIGRATION—FIRST LAWRENCE COUNTY ASSESSMENT—CLAY COUNTY PROGRESS—WHEELER, CHARLES MIX COUNTY—GOVERNOR PENNINGTON'S ADMINISTRATION—WM. A. HOWARD APPOINTED GOVERNOR—THE REPUBLICAN TERRITORIAL CONVENTION—JUDGE KIDDER, SITTING DELEGATE, AND JUDGE BENNETT OF DEADWOOD THE PROMINENT CANDIDATES—BENNETT NOMINATED—THE DEMOCRATIC TERRITORIAL CONVENTION—BARTLETT TRIPP NOMINATED FOR DELEGATE—BENNETT ELECTED—PRESIDENT HAYES VISITS DAKOTA—THE ICELANDER COLONY OF THE NORTH—JUDICIAL DISTRICT ATTORNEYS FIRST ELECTED—MILITARY FORCES IN DAKOTA, FORT KEOGH—SHERIDAN'S REPORT—STATE FAIR AT VERMILLION—GOVERNOR HOWARD'S ADDRESS.....1060

## CHAPTER LXXXI

DAKOTA PROVIDES FOR CARE OF INSANE AND CONVICTS  
1879

LEGISLATURE THE 13TH—GOVERNOR'S MESSAGE LARGELY DEVOTED TO CARE OF THE INSANE—TEMPORARY HOSPITAL HAD TO BE ERECTED—OTHER AND ADJOINING STATES OBLIGED TO CANCEL THEIR CONTRACTS WITH DAKOTA—DAKOTA MUST TAKE UP THE CARE OF ITS OWN UNFORTUNATES—LEGISLATURE TAKES OVER TEMPORARY HOSPITAL AND LOCATES IT—DESCRIPTION OF THE FRAME STRUCTURE—DR. J. L. RAINEY OF ILLINOIS FIRST SUPERINTENDENT—HAMLIN COUNTY REPRESENTATIVE



SENTED IN THE LEGISLATURE—A NEW RAILROAD LAW—CONGRESS AUTHORIZES A FOURTH DISTRICT JUDGE—BILL AUTHORIZING CONSTRUCTION OF PENITENTIARY AT SIOUX FALLS PASSES BUT IS NOT APPROVED—JAMES J. HILL IN NORTHERN DAKOTA—RENEWAL OF THE CONSTRUCTION OF THE NORTHERN PACIFIC WEST OF THE MISSOURI RIVER—DEATH OF CAPTAIN NELSON MINER—THE GREAT FIRE IN DEADWOOD ..... 1080

## CHAPTER LXXXII

DEATH OF GOVERNOR HOWARD—N. G. ORDWAY APPOINTED  
1880

GOVERNOR HOWARD'S ILLNESS AND DEATH—SECRETARY HAND URGED AS HIS SUCCESSOR—MEMORIAL SERVICES IN HONOR OF THE DEAD EXECUTIVE—PRESIDENTIAL ELECTION YEAR—TERRITORIAL CONVENTION AT FARGO—THE CENSUS OF 1880—POPULATION, 134,770—NEHEMIAH G. ORDWAY OF NEW HAMPSHIRE APPOINTED GOVERNOR—A REMARKABLE MAN—HIS JOURNEY THROUGH DAKOTA, INCLUDING THE BLACK HILLS—DAKOTA AND THE FUTURE ..... 1110

## CHAPTER LXXXIII

A NOTABLE YEAR FOR RAILROAD BUILDING  
1880

SIOUX INDIANS VISIT CARLEISLE INDIAN SCHOOL—"BROTHER-OF-ALL" SPEAKS—INDIANS CELEBRATE THE FOURTH OF JULY—WHITES INVITED TO A DODGE FEAST, AND WERE OBLIGED TO DECLINE, HAVING ALREADY EATEN TO THE FILL—INDIANS DISPLEASED BUT CONDONED THE OFFENSE—SECRETARY SCHURZ TELLS OF CONDITION OF DAKOTA INDIANS—HE MAKES AN EXTENSIVE JOURNEY—TERRITORIAL POLITICAL CAMPAIGN—BENNETT, PETTIGREW AND RAYMOND CANDIDATES—DEMOCRATS NOMINATE MCCORMACK—PETTIGREW ELECTED—A DALRYMPLE WHEAT FARM—BLACK HILLS SALT SPRINGS—BRAMBLE, MINER & COMPANY—THE LAW OF COUNTY ORGANIZATION—HUGHES COUNTY—DAKOTA LOSES TODD COUNTY TO NEBRASKA—DEAF AND DUMB INSTITUTE AT SIOUX FALLS—RAILROAD BUILDING THROUGHOUT THE TERRITORY—LAWLER DISCOURAGES A LINE FROM CHAMBERLAIN TO RAPID CITY—THE NORTHERN PACIFIC—MANDAN AND BEYOND—THE YEAR 1880 NOTABLE FOR RAILWAY CONSTRUCTION—DESCRIPTION OF NORTHERN DAKOTA "BAD LANDS" ..... 1125

## CHAPTER LXXXIV

UNPRECEDENTED FLOODS  
1880-81

THE WINTER OF 1880-1881—THE EARLIEST AND MOST SEVERE IN DAKOTA ANNALS—RAILWAYS BLOCKADED AND WORK ON EXTENSIONS ABANDONED—FREQUENT AND HEAVY SNOWFALLS CHARACTERISTIC OF THE SEASON—STEAMBOATS IMPRISONED IN MID-RIVER—THOUSANDS OF RANGE CATTLE PERISH—UNPRECEDENTED FLOOD FOLLOWED THE BREAKING AWAY OF WINTER—BOTTOM LANDS SUBMERGED FROM BISMARCK TO SIOUX CITY—THE BIG SIOUX VALLEY INUNDATED AND MUCH PROPERTY DESTROYED—THE CITY OF VERMILLION SWEEPED AWAY AND THE PEOPLE FIND REFUGE IN THE HIGHLANDS—RELIEF PARTIES GO TO THE RESCUE OF HUNDREDS OF WATERBOUND SETTLERS—HEROISM OF THE LIFESAVING CREWS—STRIKE-THE-REE MAKES A STATEMENT—GOVERNMENT EXTENDS A HELPING HAND—FEDERAL APPOINTMENTS—CITY OF CHAMBERLAIN ..... 1148

## CHAPTER LXXXV

## GOVERNOR ORDWAY AND THE LEGISLATURE

1881

THE NEW GOVERNOR FAVORED ONE STATE FOR THE ENTIRE TERRITORY—JAMES A. GARFIELD, PRESIDENT—LEGISLATURE GIVEN A SIXTY-DAY SESSION—MEETING OF THE FOURTEENTH SESSION AT THE CAPITAL—NAMES OF THE MEMBERS—ORDWAY'S FIRST MESSAGE—SESSION NOTABLE FOR VETOED BILLS WHICH WERE PASSED OVER THE GOVERNOR'S HEAD—PENITENTIARY PROVIDED FOR AND TERRITORIAL BONDS AUTHORIZED FOR VARIOUS PURPOSES—SESSION CLOSES WITH EVIDENCES OF HARMONY—ORDWAY'S NOTABLE INTERVIEW IN WASHINGTON—CALDWELL'S REPORT OF AN ORDWAY INTERVIEW AT SIOUX FALLS—ORDWAY SEEKS TO USURP THE DELEGATE'S DUTIES—JUDGE SHANNON SEEKS A REAPPOINTMENT—IS DEFEATED—ALONZO J. EDGERTON APPOINTED CHIEF JUSTICE—RAILWAY BUILDING IN 1880—HURON FOUNDED.....1165

## CHAPTER LXXXVI

## PRESIDENT GARFIELD ASSASSINATED—CHESTER A. ARTHUR, PRESIDENT

1881

PRESIDENT GARFIELD ASSASSINATED—CHESTER A. ARTHUR BECOMES PRESIDENT—MISSOURI RIVER IMPROVEMENT—THE CENTRAL PACIFIC RAILROAD IN DAKOTA—DAKOTA CONTRIBUTES A COUNTY TO THE ENTERPRISE—SPOTTED TAIL KILLED BY CHIEF CROW DOG—CROW DOG'S TRIAL—OUR FIRST ARTESIAN WELLS—PAUL BOYTON'S VOYAGE DOWN THE YELLOWSTONE AND MISSOURI RIVERS—BRAVE BEAR HANGED FOR KILLING A WHITE MAN—SIOUX CITY'S RELATIONS TO DAKOTA—FORT PIERRE INVESTIGATED—A LIVELY FRONTIER HAMLET—MCCALL KILLED "WILD BILL" HICKOK—HANGING OF MCCALL—BROWN COUNTY—ABERDEEN FOUNDED—NEW RAILROAD CONSTRUCTION.....1185

## CHAPTER LXXXVII

## MISSOURI RIVER IMPROVEMENT

1882

AN ENCOURAGING OUTLOOK—MAYOR HACKETT OF BISMARCK EXPLORES MOUSE RIVER VALLEY—JAMES RIVER HEADWATERS DISCOVERED—CHIPPEWAS OF TURTLE MOUNTAIN—BISMARCK AND TURTLE MOUNTAIN RAILWAY—TURTLE MOUNTAIN COUNTRY THROWN OPEN TO SETTLEMENT—MISSOURI RIVER IMPROVEMENT—DELEGATE PETTIGREW'S BILL FOR A SURVEY OF THE UPPER RIVER—WATERWAYS CONVENTION AT ST. PAUL—DAKOTA CONTRIBUTES TO THE PROCEEDINGS—REPORT OF THE MISSOURI RIVER COMMISSION—THE CAMPAIGN FOR DELEGATE TO CONGRESS—THE REPUBLICAN CONVENTION AT GRAND FORKS—PETTIGREW, HAND AND RAYMOND THE CANDIDATES—RAYMOND NOMINATED BY COMPROMISE WITH PETTIGREW—DEMOCRATIC TERRITORIAL CONVENTION—CONVENTION ENDORSES DIVISION—NOMINATION OF SIELE, OF LAWRENCE COUNTY—HE DECLINES—JUDGE BROOKINGS NOMINATED BY THE COMMITTEE—HOW THE STATES OF DAKOTA CAME TO BE NAMED—THE RAISING OF DOMESTIC ANIMALS FOR MARKET—TWO YEARS' INCREASE OF POPULATION—DAKOTA'S FIRST PENITENTIARY COMPLETED AND OPENED—INSANE HOSPITAL DESTROYED BY FIRE.....1209

## THE GREAT SIOUX RESERVATION

## CHAPTER LXXXVIII

BLACK HILLS PEOPLE DEMAND OPENING OF SIOUX  
RESERVATION

1882-84

EARLY EFFORTS TO OPEN GREAT SIOUX RESERVATION—WAGON ROADS AND RAILROADS BOTH NEEDED—DELEGATE PETTIGREW'S BILL BEFORE CONGRESS IS PASSED—STATISTICAL INFORMATION REGARDING THE COVETED COUNTRY—AN EXPLORING EXPEDITION ACROSS THE GREAT AMERICAN DESERT—BLACK HILLS MEETING AT RAPID CITY—THE PROPOSED AGREEMENT—A TREATY COMMISSION APPOINTED—GENERAL CONDITIONS AT PINE RIDGE AND ELSEWHERE—COMMISSION SUCCEEDS IN MAKING A TREATY—REPORT OF THE SECRETARY OF THE INTERIOR—THE TREATY—CONGRESS NEGLECTS TO RATIFY THE AGREEMENT—TREATY CONVENTION AT PIERRE—SENATE APPOINTS VISITING COMMITTEE—PROCEEDINGS OF THE SENATORIAL VISITORS—SENATE DECIDES ON NEW MEASURE—THE BILLS OF SENATOR DAWES .....1233

## CHAPTER LXXXIX

## COMMISSIONERS FAIL TO MAKE AGREEMENT WITH SIOUX

1886-87

OPPOSITION OF THE INDIAN DEFENSE ASSOCIATION—FAILURE OF THE DAWES BILL—THE SHORT SESSION OF 1886-87—THE RAILROAD QUESTION AN OBSTACLE—THE LAST NIGHT OF THE SESSION—AN EXCITING SCENE—HOLMAN DEFEATS THE BILL—THE NEW CONGRESS OF 1887-88—THE JONES BILL IS INTRODUCED—DAKOTANS TALK TO COMMITTEES—INDIAN CHIEFS REFUSED A VISIT—PIERRE AND CHAMBERLAIN HAVE A CELEBRATION WHICH PROVES TO BE PREMATURE—BUT THE BILL WAS FINALLY PASSED AND APPROVED—PRESIDENT CLEVELAND APPOINTS A COMMISSION, WHICH ENTERS UPON ITS DUTIES AT STANDING ROCK—EXAMPLES OF INDIAN ELOQUENCE—INDIANS RELUCTANT TO SIGN TREATY—THE PRICE OFFERED WAS NOT SUFFICIENT—THE COMMISSION ACKNOWLEDGE FAILURE AT LOWER BRULE AND RETURN TO WASHINGTON—INDIAN CHIEFS MAKE A JOURNEY THITHER—INDIAN INTERVIEWS—HARRISON ELECTED—A NEW BILL FRAMED, PASSED AND APPROVED—INDIANS FAIL TO SEE THE PRESIDENT....1253

## CHAPTER XC

## NINE MILLION ACRES CEDED TO THE UNITED STATES

1889

## (Great Sioux Reservation—Concluded)

APPOINTMENT OF THE GENERAL CROOK COMMISSION—AT THE ROSEBUD AGENCY—INDIAN ORATORS—SUCCESS AT ROSEBUD—PINE RIDGE THE NEXT—RED CLOUD OPPOSED—CONSIDERABLE DIFFICULTY AT THE AGENCY—RED CLOUD AND SITTING BULL IN OPPOSITION TO THE TREATY—ALL THE OTHER AGENCIES VISITED—FINAL RESULT SUCCESSFUL—FULL QUOTA OF SIGNERS SECURED—ALL OCCASIONS STRIKINGLY INTERESTING—RESERVATION OPENED BY PROCLAMATION OF PRESIDENT HARRISON—REVIEW OF THE GOVERNMENT'S EFFORTS TO MAKE THE TREATY—THE TEXT OF THE TREATY.....1207

## CHAPTER XCI

GREAT GROWTH IN POPULATION—THE CAPITAL REMOVED  
1883

THE YEAR 1883 FREIGHTED WITH IMPORTANT EVENTS—AVERAGE INCREASE OF POPULATION OVER A THOUSAND A WEEK, OR 60,000 FOR THE YEAR—THE LEGISLATURE—THE LAST SESSION HELD AT YANKTON—GOVERNOR'S MESSAGE—THE REMOVAL OF THE CAPITAL FROM YANKTON TO BISMARCK—A BILL TO LOCATE THE CAPITAL AT HURON—A CAPITAL COMMISSION FORMED WHICH LOCATES THE SEAT OF GOVERNMENT AT BISMARCK—REV. JOSEPH WARD'S SUNDAY SERMON—GOVERNOR'S APPOINTMENTS—NEWSPAPER COMMENT—TO AUTHORIZE DIVISION—THE NEW DAKOTA PENITENTIARY FORMALLY PRESENTED—THE BISMARCK PENITENTIARY PROVIDED FOR—ORDWAY AND TELLER CORRESPONDENCE.....1293

## CHAPTER XCII

TWENTY-FIVE COUNTIES ORGANIZED IN ONE YEAR  
1883

THE CAPITAL REMOVAL—YANKTON SENTIMENT—INDIGNATION MEETING—TERRITORIAL INDIGNATION MEETING AT SIOUX FALLS—LEGISLATIVE PROCEEDINGS 1883 JUSTIFIED ORDWAY'S CHARGES—CAPITAL COMMISSION IN COURT—CAPITAL COMMISSION OUSTED BY DECISION OF JUDGE—CASE APPEALED TO TERRITORIAL SUPREME COURT—DEATH OF JUDGE KIDDER AND APPOINTMENT OF JUDGE PALMER—DECISION OF DISTRICT COURT REVERSED—CASE APPEALED TO UNITED STATES SUPREME COURT AND PENDING THERE WHEN STATES WERE ADMITTED TO UNION—ASSESSMENT AND POPULATION FIGURES COMPARED—YANKTON SENTIMENT—DAKOTA'S REMARKABLE GROWTH—TARIFF AND DAKOTA—GENERAL GRANT AT FARGO—RAILROAD BUILDING IN NORTH DAKOTA—TRANSPORTING GOLD FROM THE BLACK HILLS—TWENTY-FIVE COUNTIES ORGANIZED IN 1883—COUNTY ORGANIZATION—FRAUDS .....1314

## CHAPTER XCIII

COMMON SCHOOL STATISTICS—BEADLE, SUPERINTENDENT  
1884

GEN. W. H. H. BEADLE, TERRITORIAL SUPERINTENDENT—COMMON SCHOOL STATISTICS—GILBERT A. PIERCE APPOINTED GOVERNOR—HIS INAUGURATION—ORGANIZATION OF THE GRAND COMMANDERY—APPOINTMENT OF JUDGES—MISSOURI RIVER COMMISSION—DEMOCRATIC TERRITORIAL CONVENTIONS—REPUBLICAN CONVENTIONS—O. S. GIFFORD, REPUBLICAN NOMINEE FOR CONGRESS—JOHN R. WILSON, OF DEADWOOD, DEMOCRATIC NOMINEE—CLEVELAND ELECTED PRESIDENT—GIFFORD ELECTED DELEGATE—THE OFFICIAL VOTE—COMMENT.....1336

## CHAPTER XCIV

EDUCATIONAL AND RELIGIOUS INSTITUTIONS—PIERCE,  
GOVERNOR  
1884

THE WISCONSIN COLLEGE EXPOSITION—SKETCH OF MCKENZIE—MILWAUKEE CAR EXHIBIT—EDUCATIONAL AND RELIGIOUS INSTITUTIONS—CATHOLICISM IN DA-



KOTA EVANGELISTS ORGANIZED—CONDITION OF THE FARMS—COUNTY ORGANIZATION—ORDWAY INDICTED AND INDICTMENT QUASHED—GOVERNOR CLEVELAND (N. Y.) THANKSGIVING PROCLAMATION—RAILROAD BUILDING—GRAND ARMY OF THE REPUBLIC ORGANIZED .....	1303
--	------

## CHAPTER XCV

### GROVER CLEVELAND, PRESIDENT—NEW TERRITORIAL OFFICERS 1885

GROVER CLEVELAND, PRESIDENT—LEGISLATURE IN 15TH SESSION—MEMBERSHIP INCREASED TO TWENTY-FOUR COUNCILMEN AND FORTY-EIGHT REPRESENTATIVES—MESSAGE OF GOVERNOR—BILL TO REMOVE CAPITAL TO PIERRE PASSED—GOVERNOR VETOES IT—PRESIDENT CLEVELAND EXPLAINS HIS POSITION REGARDING TERRITORIAL APPOINTMENTS—LOCAL DEMOCRATIC VIEW OF THE SAME MATTER—GOVERNOR VETOES WOMAN SUFFRAGE BILL—DIVISION AND ADMISSION IN CONGRESS—LOUIS K. CHURCH APPOINTED JUDGE—OTHER APPOINTMENTS—BARTLETT TRIPP, CHIEF JUSTICE—ROOSEVELT A RANCHMAN IN DAKOTA.....	1386
---	------

## CHAPTER XCVI

### SEMI-DECENNIAL CENSUS 1885

DEMOCRATIC CONVENTION AT ABERDEEN—DAKOTA DEMOCRATS NOT UNITED—CROP REPORT—SEMI-DECENNIAL CENSUS—DEATH OF EX-PRESIDENT GRANT—TERRITORIAL BOARD OF AGRICULTURE—KNIGHTS OF PYTHIAS—RAILROAD COMMISSION ORGANIZED—GIFFORD TALKS WITH CLEVELAND—RAILROAD TO THE BLACK HILLS—RAILROADS IN NORTHERN DAKOTA—CROW CREEK RESERVE—GOVERNOR PIERCE INVESTIGATES—SETTLERS DISTURBED—OUSTING PIERRE SETTLERS—CLEVELAND'S RECOMMENDATION—FEDERAL SECTION OF PRISON—INSANE HOSPITAL—ICE-LANDERS—SILVER PURCHASE—SUPREME COURT—LOUNSBERRY—MANDERSON .....	1412
--	------

## CHAPTER XCVII

### FIRST RAILROAD TO THE BLACK HILLS 1886

IMMIGRATION AND SPRING FRESHETS—DAKOTA BAR ASSOCIATION—TREATY WITH MANDANS AND OTHER TRIBES—TURTLE MOUNTAIN RESERVE—JOHN B. RAYMOND DIED—STATE LEAGUE—REPUBLICAN TERRITORIAL CONVENTION—DEMOCRATIC TERRITORIAL CONVENTION—DAKOTA'S PROGRESS, CROPS, ETC.—RAILROAD TO RAPID CITY AND ELSEWHERE—GOVERNOR PIERCE TENDERS RESIGNATION—GIFFORD RE-ELECTED DELEGATE—LOUIS K. CHURCH APPOINTED GOVERNOR....	1437
--	------

## CHAPTER XCVIII

### LOUIS K. CHURCH, GOVERNOR—INSANE HOSPITAL DISASTER 1887

SEVENTEENTH SESSION OF THE DAKOTA LEGISLATURE—THE SECOND MESSAGE OF GOVERNOR PIERCE—LOUIS KOSSUTH CHURCH BECOMES GOVERNOR DURING THE	
--	--

SESSION, PRECEDED FOR A BRIEF TIME BY ACTING GOVERNOR MCCORMICK—THE SIOUX FALLS CONSTITUTION OF 1885 COMMENDED—SOLDIER'S HOME LAW ENACTED—A COMPILATION OF THE LAWS OF THE TERRITORY AUTHORIZED—THE LAW OF 1883 AUTHORIZING THE CAPITAL COMMISSION LEGALIZED—SALE OF TERRITORIAL BONDS—GOVERNOR APPOINTS TERRITORIAL OFFICERS—SPRING BREAK-UP OF THE MISSOURI INUNDATES THE BOTTOM LANDS—DAKOTA IN CONGRESS—CERTAIN LEGISLATION FORBIDDEN—GOVERNOR CHURCH OPPOSES A DIVISION OF THE TERRITORY—ENGLISH LANGUAGE IN INDIAN SCHOOLS—PARTISAN CONTEST TO OBTAIN CONTROL OF DAKOTA INSANE HOSPITAL—GOVERNOR CHURCH REFUSES TO APPROVE PLANS FOR NEW BUILDINGS—DEMANDS RESIGNATION OF MEMBERS OF THE BOARD AS A CONDITION OF APPROVAL—BOARD REFUSES TO VACATE—GOVERNOR APPOINTS NEW MEMBERS—CONTEST TAKEN INTO COURT AND GOVERNOR SUSTAINED—ENTIRE NEW BOARD APPOINTED—CONTRACTS FOR BUILDINGS LET AFTER A YEAR'S DELAY—WORK PROGRESSES UNDER INCOMPETENT MANAGEMENT—FAULTY CONSTRUCTION AND POOR MATERIAL, FOLLOWED BY FALLING WALLS—PROVES FATAL TO TWO WORKMEN—GRAND JURY INDICTS BUILDING OVERSEER AND CONTRACTOR—TRIBUTE TO JOHN R. GAMBLE.....1459

## CHAPTER XCIX

### DAKOTA FARMERS' ALLIANCE

1887

GREAT NORTHERN RAILWAY—ILLINOIS CENTRAL RAILWAY—FORETELLING BOUNTIFUL HARVEST—EXTERMINATING BUFFALO—GROWTH OF CATHOLIC CHURCH AND INSTITUTIONS—SEVENTH DAY ADVENTISTS—CENTENNIAL OF THE ADOPTION OF THE AMERICAN CONSTITUTION—DAKOTA FARMERS' ALLIANCE—NATURAL GAS—NAVIGATION OF THE JAMES RIVER—BANKERS' CONVENTION AND PHARMACISTS' ASSOCIATION—PRECIOUS METALS IN THE BLACK HILLS—CROPS—TIN DEPOSITS IN THE BLACK HILLS.....1493

## CHAPTER C

### PRESIDENTIAL ELECTION YEAR—IMPORTANT TO DAKOTA

1888

DAKOTA BILLS IN CONGRESS—DEATH-DEALING BLIZZARD IN JANUARY—REPUBLICAN CONVENTION AT JAMESTOWN TO SELECT DELEGATES TO THE NATIONAL CONVENTION—ADDRESSES, RESOLUTIONS, ETC.—NATIONAL REPUBLICAN CONVENTION AT CHICAGO—DEMOCRATIC TERRITORIAL CONVENTION—DAY AND CHURCH FACTIONS—NATIONAL CONVENTION AT ST. LOUIS—CLEVELAND AND HENDRICKS THE CANDIDATES—HARRISON AND MORTON NOMINATED AT CHICAGO—THE PROHIBITIONISTS NOMINATE A TERRITORIAL TICKET—DEMOCRATIC AND REPUBLICAN TERRITORIAL CONVENTIONS.....1511

## CHAPTER CI

### MITCHELL UNIVERSITY DESTROYED BY FIRE

1888

W. R. BIERLY, INDEPENDENT DEMOCRATIC CANDIDATE—CONGRESS ADJOURNS—NOTHING DONE FOR DIVISION—NEW JUDICIAL DISTRICTS—DAKOTA MILLERS ORGANIZE—MITCHELL UNIVERSITY DESTROYED BY FIRE—DAKOTA FARMERS' ALLIANCE, ANNUAL MEETING—LOCAL OPTION—HARRY HUNTER—FARMERS

OPPOSE TRUSTS—THE ELECTION, THE VOIE AND THE CANVASS—HARRISON AND MORTON ELECTED—CELEBRATING THE ELECTION—AFTER ELECTION—MANITOBA RAILROAD REACHES SIOUX FALLS—RAILROAD CONSTRUCTION IN THE TERRITORY—FEDERAL APPOINTMENTS—SOME PERSONAL ITEMS.....1533

## CHAPTER CII

### BENJAMIN HARRISON ELECTED AND INAUGURATED PRESIDENT 1888-89

TERRITORIAL LEGISLATURE IN EIGHTEENTH AND LAST SESSION—FARMERS' ALLIANCE ORGANIZED BOTH BODIES—THE GOVERNOR'S MESSAGE WITH VALUABLE STATISTICS—PROCEEDINGS INTERESTING—THE OMNIBUS BILL PASSED CONGRESS—COLONEL LOUNSBERRY WRITES A LETTER—MELLETT APPOINTED GOVERNOR TO SUCCEED CHURCH—RICHARDSON APPOINTED SECRETARY—BIOGRAPHY OF MELLETT—CENTENNIAL OF THE UNITED STATES GOVERNMENT—COUNTY INDEBTEDNESS, NORTH AND SOUTH—CORN IN NORTH DAKOTA—CEMENT PLANT AT YANKTON—NEW YORK TRIBUNE FIGURES.....1552

## CHAPTER CIII

### MANY TERRITORIAL SOCIETIES MEET AND DIVIDE 1889

WOMAN'S CHRISTIAN TEMPERANCE UNION—DAKOTA SUNDAY SCHOOL ASSOCIATION—S. S. CONVENTION—ANCIENT ORDER OF UNITED WORKMEN—MASONIC LODGE—INDEPENDENT ORDER OF ODD FELLOWS—BLACK HILLS OLD SETTLERS—RETAIL LIQUOR DEALERS' ASSOCIATION—FIREMEN'S ASSOCIATION—MANITOBA RAILROAD MEETING AT SIOUX FALLS—THE YANKTON EXTENSION—COUNTY STATISTICS: WHEN ORGANIZED, SQUARE MILES—PARTIAL CROP FAILURE—ORGANIZATION OF THE STATE OF SOUTH DAKOTA—APPOINTMENTS—ALTITUDES.....1575

---

## MAKING TWO STATES

### CHAPTER CIV

### EARLY EFFORTS TO ATTAIN STATEHOOD 1877 and Later

TERRITORY NEAR NEIGHBOR TO THE UNITED STATES—IMPORTANCE OF DIVIDING THE TERRITORY—REMARKABLE CONDITIONS ATTENDING THE GROWTH OF THE TERRITORY—THE FIRST STEP FOR STATEHOOD, 1877—SENATOR RAMSAY'S BILL FOR OJIBWAY TERRITORY—NORTHERN ARGUMENT FOR DIVISION—WOMAN SUFFRAGE FOR THE PEMBINA TERRITORY—DELEGATE KIDDER'S GREAT SPEECH—JUDGE BARNES ADVOCATES DIVISION—FIRST GUN FOR STATEHOOD—NORTH AND SOUTH DIVISION PROPOSED—GOVERNOR HOWARD FAVORED THREE STATES—A LEGISLATIVE MEMORIAL FOR DIVISION IN 1879—A NORTHERN WHEAT FARM .....1596

## CHAPTER CV

NUMEROUS DAKOTA LOBBY URGES CONGRESS FOR DIVISION  
1879-82

DELEGATE KIDDER'S ONE-STATE BILL—NORTHERN GRAND JURY PRESENTS A BILL FOR DIVISION—DELEGATE BENNETT'S BILL FOR ONE STATE AND DIVISION—THE NORTHERN SENTIMENT FAVORS THE SEVENTH STANDARD DIVISION LINE—GOVERNOR ORDWAY'S IDEA—DELEGATE PETTIGREW'S POSITION, 1881—SIX SEPARATE BILLS IN CONGRESS FOR DIVIDING DAKOTA—PETTIGREW'S ADMISSION BILL—ORDWAY'S CONVENTION AT FARGO—PETTIGREW'S PEMBINA BILL—CITIZENS' CONVENTION AT CANTON—DIVISION AND STATEHOOD MEETINGS IN NORTH DAKOTA, BLACK HILLS AND SOUTHERN DAKOTA—LARGE DELEGATIONS SENT TO WASHINGTON TO LOBBY FOR THE TERRITORY.....1618

## CHAPTER CVI

THE PEOPLE CALL A CONVENTION  
1883

DAKOTA DELEGATIONS BEFORE CONGRESS—SENATOR WINDOM REPORTS FAVORABLY AN ADMISSION BILL—DAKOTANS UNITED—DAKOTA AND THE TARIFF—THE NEW YORK HERALD AGAINST DAKOTA—THE TRIBUNE IN FAVOR—ORDWAY'S REMOVAL PETITIONED FOR—GENERAL BEADLE GIVES HIS VIEWS—BEADLE'S CENSUS OF 1882 AS SCHOOL SUPERINTENDENT—PRO AND CON—NEWSPAPER TALK—DIVISION SAID TO BE CERTAIN IN 1882—ADMISSION DOUBTFUL IN 1883—DELEGATE RAYMOND'S VIEW—A BRIEF REVIEW, 1883—STATEHOOD WITHOUT CONGRESSIONAL ASSENT—PEOPLE'S MOVEMENT FOR STATEHOOD, 1883—DELEGATE CONVENTION AT HURON.....1644

## CHAPTER CVII

CONSTITUTION FRAMED AND ADOPTED  
1883

FIRST CONSTITUTIONAL CONVENTION AT SIOUX FALLS—BARTLETT TRIPP, PRESIDENT—NAMES OF MEMBERS—LIST OF COMMITTEES—PROHIBITION AN ISSUE—DECLARATION OF RIGHTS—THE DEBATES AND PROCEEDINGS—CONVENTION ADJOURNS—CONSTITUTIONAL ELECTION HELD AND CONSTITUTION ADOPTED BY A VOTE OF 12,336 FOR, TO 6,814 AGAINST, THE MEASURE.....1669

## CHAPTER CVIII

THE CONSTITUTION BEFORE CONGRESS  
1884-1885

DELEGATION BEARS CONSTITUTION TO CONGRESS—CHAIRMAN TRIPP HEADS THE EMBASSY—SENATOR HARRISON INTRODUCES BILL TO RATIFY THE CONVENTION AND ACCEPT THE CONSTITUTION—TEXT OF THE BILL FOR ADMISSION, DIVISION AND THE TERRITORY OF LINCOLN—DAKOTA'S POPULATION IN 1884—NAME OF THE STATE, DAKOTA—CLEVELAND INAUGURATED PRESIDENT—A PEOPLE'S MEMORIAL—CONSTITUTIONAL CONVENTION, 1885—JUDGE A. J. EDGERTON, PRESIDENT—THE PROCEEDINGS, DEBATES AND ADJOURNMENT.....1719

## CHAPTER CIX

THE SECOND CONSTITUTIONAL CONVENTION—THE LEGISLA-  
TURE ELECTS SENATORS  
1885

OFFICIAL NOTICE OF STATE ELECTION—ORGANIZATION OF THE STATE LEAGUE—THE  
FIRST STATE CONVENTION PROCEEDINGS NAMES OF MEMBERS GOVERNOR  
MELLETT'S MESSAGE—PROCEEDINGS OF THE LEGISLATURE—NAMES OF MEM-  
BERS ELECTING SENATORS G. C. MOODY AND A. J. EDGERTON CHOSEN PRO-  
CEEDINGS IN CONGRESS DEBATE IN THE SENATE DAKOTA'S CONSTITUTIONAL  
PROCEEDINGS PRESENTED—SENATOR BUTLER INTRODUCES AN ENABLING ACT  
FOR ONE STATE AND DELIVERS AN ADDRESS—REPRESENTATIVE W. D. HILL, DEMO-  
CRAT, OF OHIO, ESPOUSES DAKOTA'S CAUSE—GRAND SPEECH.....1745

## CHAPTER CX

DAKOTA'S SENATORS PAY PRESIDENT CLEVELAND A VISIT  
1885-86

THE FARGO WATERWAY CONVENTION—BIG STONE AND LAKE TRAVERSE CONNECTION  
—PRESIDENT AND DAKOTA COMMITTEE—ADDRESS TO THE PRESIDENT—OPTI-  
MISTIC DAKOTANS—SEVENTH STANDARD BOUNDARY—DEMOCRATIC HOUSE  
CAUCUS ON DAKOTA QUESTION—DAKOTA STATE LEGISLATURE CALLED TO-  
GETHER GOVERNOR'S MESSAGE REPEALING RESTRAINING CLAUSE MOODY AND  
CAMPBELL—MOODY'S LETTER—LOUNSBERRY, OF BISMARCK—JUDGE CAMPBELL'S  
EFFORTS AND HIS REWARD—DIVISION SENTIMENT DID NOT CHANGE—DEMO-  
CRATIC PARTY'S RECORD IN DAKOTA ON DIVISION.....1770

## CHAPTER CXI

DIVIDING THE TERRITORY—POPULAR VOTE TAKEN  
1887

THE TERRITORIAL LAW ORDERING AN ELECTION FOR A VOTE ON THE QUESTION OF  
DIVISION—NORTH DAKOTA CONFERENCE ON DIVISION—THE SOUTHERN HALF OF  
THE TERRITORY HOLDS DIVISION CONVENTION—NAMES OF MEMBERS—THE CEN-  
TRAL COUNTIES HOLD CONVENTION—NAMES OF MEMBERS—THE ELECTION AND  
THE RETURNS—THE ANTI-DIVISION CONVENTION AFTER ELECTION—NAMES OF  
MEMBERS—ENABLING ACT FOR NORTH DAKOTA DAKOTA DEBATE IN SENATE—  
EDGERTON'S LETTER—EDUCATIONAL STATISTICS SENATOR EDMUNDS ON THE  
DUTY OF TERRITORIES.....1801

## CHAPTER CXII

## PRESIDENTIAL ELECTION OF 1888

SENATOR HARRISON ON THE OUTLOOK—SENATOR HEARST, OF CALIFORNIA—DELE-  
GATE GIFFORD'S STATEMENT—MR. SPRINGER AT THE OPENING OF CONGRESS, DE-  
CEMBER, 1887—A TWO-STATE CONVENTION IN DAKOTA, MAY, 1888—THE NA-  
TIONAL CONVENTIONS—PRESIDENTIAL ELECTIONS—CLEVELAND AND THURMAN,  
DEMOCRATIC NOMINEES HARRISON AND MORTON, REPUBLICAN NOMINEES—  
A FOURTH OF JULY ORATION ROBERT J. GAMBLE'S ADDRESS HARRISON SPEAKS  
FOR DAKOTA—THE NATIONAL REPUBLICAN PLATFORM SPEAKS FOR DAKOTA—



HARRISON AND MORTON ELECTED—NEW YORK INDEPENDENT COMES TO THE RESCUE—HARRISON AND M'KINLEY INTERVIEW—IN CONGRESS AFTER ELECTION—MR. SPRINGER'S FIRST OMNIBUS BILL IN CAUCUS—SPRINGER, COX AND GIFFORD BEFORE THE HOUSE.....1831

## CHAPTER CXIII

CONGRESS PASSES OMNIBUS BILL—STATEHOOD ASSURED  
1889

PASSING THE OMNIBUS BILL—DAKOTANS INTENSELY INTERESTED—TEXT OF THE ENABLING ACT—ELECTRICAL EFFECT OF NEW OMNIBUS BILL—EVERYBODY FOR TWO STATES—A GRAND DEMOCRATIC MOVEMENT—DEMOCRATS MEMORIALIZE CONGRESS FOR DIVISION AND ADMISSION—TERRITORIAL FARMERS' ALLIANCE HOLDS FAREWELL MEETING—NAMES OF MEMBERS—ALLIANCE OF NORTH DAKOTA—INFORMAL STATE CONVENTION IN NORTH DAKOTA—JUDGE TRIPP VISITS WASHINGTON—PASSING THE OMNIBUS BILL—AN IMPORTANT MEETING OF THE FARMERS' ALLIANCE WITH CAMPBELL.....1862

## CHAPTER CXIV

SOUTH DAKOTA CONVENTIONS AND ELECTIONS  
1889

GOVERNOR CALLS ELECTIONS—SOUTH DAKOTA RATIFIES CONSTITUTION OF 1885—CONSTITUTIONAL CONVENTION AT SIOUX FALLS—NAMES OF MEMBERS—THE PROCEEDINGS—NORTH AND SOUTH DIVIDE TERRITORIAL PROPERTY—ADJOURNMENT—GOVERNOR CALLS FIRST STATE ELECTION—BOTH PARTIES HOLD CONVENTIONS AND NOMINATE STATE TICKETS AND LEGISLATIVE MEMBERS—PROHIBITIONISTS ACTIVE IN CAMPAIGN—REPUBLICANS CARRY THE STATE—FIRST STATE LEGISLATURE CONVENES AND ELECTS UNITED STATES SENATORS.....1887

## CHAPTER CXV

THE TWO DAKOTAS BECOME STATES  
1889

(Conclusion of Territorial History)

ORGANIZING STATE OF SOUTH DAKOTA—MEETING AND ORGANIZATION OF FIRST SOUTH DAKOTA LEGISLATURE—NAMES OF MEMBERS—RICHARD F. PETTIGREW AND GIDEON C. MOODY ELECTED SENATORS—ORGANIZING STATE OF NORTH DAKOTA—STATE OFFICIALS—CONSTITUTIONAL CONVENTION, NORTH DAKOTA—NAMES OF MEMBERS—FIRST STATE CONVENTION, NORTH DAKOTA—NAMES OF MEMBERS—FIRST REPUBLICAN STATE CONVENTION, NORTH DAKOTA—NAMES OF MEMBERS—FARMERS' ALLIANCE IN CONTROL—NORTH DAKOTA DEMOCRATIC STATE CONVENTION—NAMES OF MEMBERS—ORDWAY SOUGHT A NORTH DAKOTA SENATORSHIP—MEETING OF NORTH DAKOTA LEGISLATURE—NAMES OF MEMBERS—EX-GOVERNOR PIERCE AND L. R. CASEY ELECTED UNITED STATES SENATORS—HARRISON'S STATEHOOD PROCLAMATION AND THE FORMALITIES OF ADMISSION TO THE UNION—THE TWO DAKOTAS MADE TWIN STATES—CONCLUSION.....1913

# History of Dakota Territory

## CHAPTER LXXV

### REPUBLICANS UNITE—DEMOCRATS DIVIDE—IMPORTANT JUDICIAL DECISION

1874-75

SENATOR RAMSEY'S BILL TO DIVIDE DAKOTA—REPUBLICANS UNITE AND CALL TERRITORIAL CONVENTION—CONVENTION AT ELK POINT—NAMES OF DELEGATES—JUDGE KIDDER FINALLY UNANIMOUSLY NOMINATED FOR DELEGATE—DEMOCRATIC CONVENTION AT ELK POINT—HON. W. A. BURLEIGH FINALLY NOMINATED AND ACCEPTS—BOLTING CONVENTION HELD AND E. W. MILLER NOMINATED—BURLEIGH FINALLY WITHDRAWS, MILLER ALSO—SECOND CONVENTION HELD AND BURLEIGH RENOMINATED—BURLEIGH DECLINES, WHEN A THIRD CONVENTION ASSEMBLES AND NOMINATES ARMSTRONG—ARMSTRONG PUBLICLY ANNOUNCES THAT HE WILL NOT ACCEPT ANOTHER NOMINATION—CAMPAIGN PROCEEDS AND KIDDER IS ELECTED—LEGISLATURE CONVENES IN TENTH SESSION—GOVERNOR PENNINGTON'S FIRST MESSAGE—EXEMPTION LAW REPEALED—SURVEY OF SOUTHERN BOUNDARY OF DAKOTA—SIOUX INDIAN LAND NORTH OF YANKTON CESSION CEDED BY TREATY OF 1868—JUDGE KIDDER'S DECISION.

There was a bill before Congress when the new year, 1874, dawned, which, under the able and energetic leadership of Senator Ramsey, of Minnesota, was expected to become a law, which would divide the Territory of Dakota on the 46th parallel of north latitude, giving to the northern half of the territory a separate territorial organization, and bestowing upon the new territory the name of Pembina. To such an extent was public confidence enlisted in the success of this measure that the few communities in Northern Dakota professed little concern in the affairs of the territory, politically, as it then existed, and were engaged in setting their house in order to receive the new organization and thenceforth go forward under an organization of their own, which it may be stated was the almost unanimous desire of its people, then numbering about eight thousand. Senator Ramsey, an acknowledged leader in Congress, made public statement of his confidence that the law would be enacted at the session of Congress then sitting, and the Northern Pacific Railroad influence, quite potent in northern affairs at that time, aided the movement through its many friends then among the prominent captains of industry in the United States.

Second at least, and as the sequel proved, first in importance as bearing on the general welfare of the territory, was the expedition sent out by the National Government under command of General Custer, to explore the Black Hills, with a view of settling the question of the existence of gold in paying quantities in that mountainous portion of the territory, it being the preliminary step to an agreement with the Indians for opening the hills to white settlement should Custer's report confirm the unofficial and fragmentary reports concerning gold

deposits in that region which had been current for a number of years and had become so fixed in the mind of the public throughout the United States that numerous expeditions, made up by private persons, were threatening to invade the hills in defiance of the restrictions of Indian treaties, and also in flagrant disregard of the forbidding proclamations of the military authorities charged with the protection and enforcement of treaty agreements and obligations.

#### ELECTION—JOHN L. PENNINGTON, GOVERNOR

The third matter of general interest was the biennial election at which a delegate to Congress was to be chosen, and which, owing to the fact that the communities along the line of the Northern Pacific Railroad were to take part in it in a lawful and authorized manner, for the first time, rendered the result much more than ordinarily difficult to predict, while on the other hand there would seem to be more than ordinary promise of the success of the republican candidate because of the action of the heretofore divided party in uniting in their convention and agreeing upon the same candidate, Jefferson P. Kidder, judge of the First Judicial District.

A new governor, John L. Pennington, a southern republican from Alabama, had been appointed by President Grant, in January, to succeed Governor Burbank, and the new official was quite an active politician and a very fair stump speaker, and otherwise an executive who gave promise, by the active interest he at all times manifested in promoting the welfare of the people and in his unceasing labors for immigration, of valuable assistance in building up the material industries of the territory. Governor Pennington was a native of North Carolina, a practical printer, and had been a journalist in Alabama since the close of the Civil war.

#### REPUBLICANS GET TOGETHER

The disasters that had overtaken the republican party in the two last territorial campaigns, 1870-72, had been sufficiently severe to teach the leaders that two republican candidates for Congress at the same time before the people, were no match for one good democrat; and it was also well known that there was much complaint made by the republican officials and leaders at Washington, because of the demoralized condition and dissolute political condition of the party in the territory, which had occasioned more scandal and annoyance with their internal dissensions than all the other territories combined. The groundless contests before Congress had brought the territory into national prominence in an unfavorable aspect, and the constant quarreling among the leaders with no purpose but to promote their selfish ambition was pointed to as leading to a permanent disruption of republicanism in the territory and the permanent ascendancy of democracy, with the almost certain loss of the state when it should be formed, to the national republican party and to Congress. This being the situation in the early part of 1874 when John L. Pennington was appointed governor to succeed Burbank, and there being no alternative course that promised success, the territorial republican central committees appointed by the two republican conventions which nominated W. W. Brookings and G. C. Moody for Congress in 1872, agreed to unite and call but one territorial convention in 1874.

Accordingly as a first step in that direction, the central committees representing the two factions assembled at Vermillion on the 5th of May, 1874, where the following proceedings took place, in the interest of a harmonious union of the republican party of the territory:

Vermillion, D. T., May 5, 1874.

The republican territorial central committees pursuant to call met at the Adelphi Hotel at 2 o'clock, P. M. Present Messrs. Jolley, Bennett, Poore and Parke, of the former Brookings Committee, and Messrs. Lawrence, Hughes, Stanley and Harlan, of the Moody faction.

L. D. F. Poore, of Springfield, was elected temporary chairman, and A. Hughes, of Elk Point, temporary secretary. Col. John Lawrence tendered his resignation as chairman of

one wing of the committee, and Col. John L. Jolley, by authority, offered the resignation of Chas. H. McIntyre, who had left the territory, but was chairman of the other wing. Both resignations were accepted. Alexander Hughes, of Union County, was then unanimously chosen chairman, and L. D. F. Poore, secretary of the committee. On motion the basis of representation in the territorial convention was fixed and ordered published in the call. It was decided to hold the convention at Elk Point, on Thursday, July 16th, at 2 o'clock P. M.

A. HUGHES, Chairman.

L. D. F. POORE, Secretary.

The following call for a territorial convention was made:

A territorial republican convention is hereby called to meet at Elk Point on Thursday, July 16th, 1874, at 2 o'clock P. M., to place in nomination a candidate for delegate to Congress, a territorial auditor, treasurer, superintendent of public instruction, and commissioner of immigration. Counties will be entitled to representatives as follows: Union, 12; Clay, 12; Yankton, 12; Lincoln, 8; Turner, 4; Minnehaha, 6; Bon Homme, 6; Charles Mix, 3; Hutchinson, 2; Davieson, 1; Hanson, 1; Grand Forks, 1; Armstrong, 1; Moody, 2; Brookings and Deuel, 2; Hughes and Buffalo, 1; Sully, Ashmore, Wallace and Campbell, 2; Burleigh, 4; Stutsman, 1; Cass, 2; Pembina, 1.

ALEXANDER HUGHES, Chairman.

L. D. F. POORE, Secretary.

John Lawrence, John L. Jolley, G. P. Bennett, P. C. Parke, G. W. Harlan, R. J. Stanley, Committee.

The committee issued the following congratulatory letter:

We most heartily congratulate our republican fellow citizens throughout the territory, upon the harmonious action which characterized the proceedings and deliberations of the consolidated territorial republican central committees at their late session in Vermillion. We come to you in the above call as a united and harmonious committee, having but one common object and but one determined purpose, that of peace within our ranks, harmony and unity of action, and success at the polls. We ask the earnest and faithful co-operation of all true republicans in the accomplishment of this end. The entering wedge to all our discord and trouble as a party has been removed, and let no man doubt the sincerity of purpose which has brought about this happy result. United in principles and purposes, having only at heart the greatest good to the greatest number, with all past obstacles to unity removed, we ask you as republican electors to join hands with us in promoting and cementing this union, and by all legitimate and proper means, aid us in the consummation of a glorious victory in the coming election.

ALEX HUGHES, Chairman.

L. D. F. POORE, Secretary.

There was no strife among the republican leaders for the nomination for delegate at this time, but there was a general sentiment that Judge Jefferson P. Kidder, of Vermillion, judge of the First Judicial District was better situated to unite the various discordant elements and satisfy the rivalries of the leaders, than any of those known to be qualified for the place. Judge Kidder had been on the bench for ten years, and had given excellent satisfaction; he was also a man who stood high as a citizen, genial, popular, and though he had been mixed in with the "pulling and hauling" that had distinguished past campaigns he had managed to maintain the respect of his opponents and the confidence of the people. The judge was acceptable to the republican leaders in the two factions of the contest in 1872, and after a little stage play by several counties who wished to compliment their favorite sons, the judge was nominated by the territorial republican convention which was held that year at Elk Point, by a unanimous vote.

Mr. Armstrong, who had been elected as a democrat for the two preceding terms was aware and frankly acknowledged that he owed his success to the division in the republican party, but it is due to his reputation to state that he had been one of the most useful delegates the territory had elected. He was quite popular among republicans at home and had no rival in his own party; he was held in high esteem at Washington by the department officials, and had obtained from Congress every reasonable law he had asked for, among them the appropriation for paying the militia of 1862. But he did not wish to make the race again. Possibly the improved republican situation deterred him, but whatever the cause he had gone forward and made arrangements for retiring



and engaging in business before the campaign of 1874 was inaugurated, and had selected St. James, Minn., as his field for business operations. He had been a Minnesotan before he became a Dakotan and had influential relatives in that state. He found his leadership of the democratic party of Dakota quite expensive and would leave Congress much chastened in a financial way, and he was sincere and determined in his resolve to retire. But circumstances and a sentiment of honor finally forced him into the field. His party failed to make a suitable nomination at their territorial convention and became badly disorganized; and could unite upon no one save himself. He had been supported through two successful campaigns, and rather than see the organization go to pieces he entered the campaign near its close and did the best he could, but was unable to turn the tide in favor of himself, and for that matter he looked upon it as a hopeless effort when he was prevailed upon to stand as a candidate.

#### REPUBLICAN TERRITORIAL CONVENTION

Here follows the proceedings of the territorial republican convention at Elk Point, D. T., July 16, 1874:

At 2 P. M., the convention was called to order by Alexander Hughes, chairman of the republican territorial committee, who named Hon. A. H. Barnes, for temporary chairman. Judge Barnes was elected; and on motion of Colonel Moody, W. M. Cuppett, of Lincoln County, was made temporary secretary. On motion of L. D. F. Poore, the chair appointed as a Committee on Permanent Organization, Messrs. Poore, Dewey and Gale. Mr. Moody moved for a committee of seven on credentials, which being carried, the chair appointed G. C. Moody, C. A. Lounsberry, Bismarck; V. P. Thielman, Turner; H. N. Rudd, Clay; Mark W. Bailey, Lincoln; L. P. Huston, Bon Homme; W. L. Webster, Union. A Committee on Resolutions was then chosen consisting of Messrs. Poore, Lounsberry, Newton Clark, Minnehaha; John L. Jolley, Clay; and W. W. Brookings, Yankton.

After an informal recess the Committee on Credentials reported the following delegates present and entitled to seats:

Yankton County—J. A. Potter, R. I. Thomas, Jacob Brauch, L. Congleton, E. Iverson, A. Simonsen, D. Wilcox, G. C. Moody, Clark Tarbox, Ole Sampson, W. Osborne, H. Ellermann. Clay County—J. C. Brandon, N. V. Ross, J. L. Jolley, H. H. Rudd, E. B. Crew, H. Myron, Nils Polsen, J. J. Simonsen, Jas. Hyde, Nils Hanson, E. B. Dawson, S. S. Hague. Union County—A. B. Burrows, W. L. Webster, G. P. Bennett, S. S. Adams, H. Dennis, L. B. Hyde, M. M. Wallace, Jas. A. Smith, W. H. H. Fate, C. F. Mallahan, Howard Mosler, D. P. Hopkins. Lincoln County—W. H. Miller, Jr., W. M. Cuppett, M. S. Bushnell, Mark W. Bailey, B. Wilson, A. B. Wheelock (two votes), A. Arneson. Turner County—V. P. Thielmann, W. K. Hollenbeck, Junla Sargent, J. A. Childs. Minnehaha County—John Nelson, Newton Clark, J. L. Phillipps, Artemas Gale, A. J. Berdahl, Albion Thorne. Bon Homme County—L. D. F. Poore, R. T. Wood, Bligh E. Wood, J. G. Mead, L. P. Huston, W. C. Grant. Charles Mix County—Foster T. Wheeler (three votes). Hutchinson County—A. S. Jones, W. W. Brookings (proxy for J. E. Maxwell). Davison County—W. P. Dewey (proxy for John Head). Hanson County—Miles T. Wooley. Grand Forks, Stutsman, Cass and Burbank counties—Alanson H. Barnes (proxies for five votes). Armstrong County—R. L. Bushnell. Moody County—David Faribault, F. W. Pettigrew. Brookings and Deuel counties—H. N. Urmey (two votes). Hughes and Buffalo counties—William Thompson. Sully, Ashmore, Wallace and Campbell counties—Joel A. Potter (proxies, two votes). Burleigh County—C. A. Lounsberry (four votes). Pembina County—W. P. Dewey (for Judson LaMoure). Lake County—Wm. Lee.

The report of the Committee on Credentials was unanimously adopted. The Committee on Permanent Organization reported the following list, which was

adopted: President, E. B. Crew; vice presidents, Messrs. Lounsberry, Congleton, Wheelock, Phillips, and Webster; secretaries, Mark W. Bailey and Charles E. Mallahan. The permanent officers assumed their respective positions.

The Committee on Resolutions made the following report:

Resolution No. 1 endorsed the republican administration then in control of the National Government.]

2. While declaring our disposition to work with all good citizens to remove by lawful means the burdens of monopoly, and our belief in the right of the people to protect themselves by wholesome legislation, we recognize the fact that corporations have rights as sacred to them as are ours to us; therefore, these questions should be examined in all their bearings with a view to doing exact justice to all parties concerned.

3. We believe that there is no conflict of interest between the best interests of the territory and properly conducted railway corporations; that each in its sphere sustains the other, and that capital as well as labor is entitled to its just recognition and fair reward; and that we invite to our fertile lands and growing villages, capital of every description, and assure it a full protection from all unjust discriminations.

4. Dissension and strife having prevailed within the republican party in this territory for years past, by which the majority has been deprived of the representation justly its due, and through which the good name of the territory and its material interests have been seriously impaired; and recognizing the advantages that will result to the territory through the election of a delegate who is in harmony with the national administration, and with the majority of his constituents, we congratulate the territory and the party we represent on the prospect now existing for harmony in the republican party in the pending and in future campaigns.

5. Believing that the office should seek the man rather than the man the office, and that the people should be permitted to choose between the candidates presented for their suffrages, unfazed by mercenary or other unworthy motives, we view with alarm the expenditure of large sums of money to influence nominating conventions and elections, and unqualifiedly condemn the practice as being demoralizing in the extreme, and regard it as a species of corruption deserving the frowns of all honest citizens.

6. The division of Dakota Territory and the erection of a separate territorial government in the northern part thereof, we deem a measure of justice to the people of Northern Dakota, and sound policy for the Government; and we hereby instruct the candidate of this convention for delegate in Congress, in case of his election, to use all honorable means to secure such division.

7. As delegates representing the people of the republican party of this territory, we pledge our individual and united support to the nominees of this convention, and will countenance no man as a true republican or as worthy a place in the ranks of the party who does not abide the decision of this convention.

On motion the resolutions were unanimously adopted and made the platform of the republican party of the Territory of Dakota.

On motion, an informal ballot was then ordered for the nomination of a candidate for delegate to Congress, which resulted as follows: Whole number of votes cast, 85. Necessary for a majority, 43. B. F. Campbell received 20 votes; John Lawrence, 23; N. J. Wallace, 22; L. D. F. Poore, 10; J. P. Kidder, 4; W. H. H. Beadle, 3.

A formal ballot was then ordered, resulting: Whole number cast, 80. Campbell, 20; Lawrence, 19; Wallace, 23; Poore, 12; Beadle, 3; Kidder, 8.

Colonel Jolley, of Clay County, then addressed the convention stating that the Clay County delegation had voted for N. J. Wallace, of Union County, a man of high moral and mental worth, but that in the attitude of candidates before the convention, and the nearly equally divided vote each had received, it was evident some new name must be brought before the convention, and in doing this, no man in the whole territory could be found who possessed the confidence of the people in a higher degree than Judge J. P. Kidder, and although without the judge's knowledge or assent, he would then and there for himself and other delegates from Clay County, present the name of Jefferson P. Kidder, of Clay County, as a candidate before the convention for the nomination. On the conclusion of Colonel Jolley's remarks, Judge Barnes, of Cass County, for and on behalf of the republicans of Northern Dakota, in a brief and well-timed speech, seconded the remarks of Colonel Jolley, nominating Judge Kidder.

A recess was then taken, and much discussion followed. The Yankton delegation retired for consultation. On the return of this delegation, business was resumed, and Colonel Moody made a stirring speech, announcing that their candidate, Mr. Lawrence, had withdrawn, and asked all his friends to support Hon. Jefferson P. Kidder. (Loud cheering). A. B. Wheelock next withdrew the name of Colonel Campbell, and announced that Lincoln would vote for Judge Kidder. (More cheers.) R. T. Wood spoke for Bon Homme, resigning Poore for Kidder. Colonel Campbell made a rousing speech for Kidder. Newton Clark said that Judge Kidder was the first and last choice of Minnehaha County; Judge Brookings surrendered Wallace to the favorite son of Clay County; and while this general surrender was proceeding the enthusiasm arose and the convention was a theatre of good natured disorder. The delegates finally resumed their appropriate places, and a formal vote was then taken, giving Judge J. P. Kidder eighty-two of the eighty-six votes, and he was declared the nominee for delegate to Congress. For superintendent of public instruction, Rev. J. J. McIntyre, of Turner County, was nominated. For commissioner of immigration, on the second ballot Fred J. Cross, of Sioux Falls, was declared the nominee. A. Sheridan Jones, of Hutchinson, was nominated for auditor. For territorial treasurer, John Clementson, of Union County. The convention then elected the Hon. George H. Hand, chairman of the territorial central committee, and the chair appointed eight other committeemen for the various sections of the territory, to wit: Mark W. Bailey, of Lincoln County; John L. Jolley, Clay County; Alexander Hughes, Union County; C. A. Lounsberry, Burleigh County; John H. Shurtleff, Newton Edmunds, Yankton County; Col. L. D. Marsh, Stutsman County, and L. D. F. Poore, Bon Homme County.

The convention then adjourned without day.

#### DEMOCRATIC AND ANTI-MONOPOLIST CONVENTIONS

It had been a matter of general information that the Hon. M. K. Armstrong, who was serving his second term as delegate from Dakota would decline a re-nomination, having already made his plans to enter the field of business under promising auspices; and prior to the convening of the democratic territorial convention, in August, the following letter from the delegate was made public:

#### ARMSTRONG NOT A CANDIDATE

Hon. L. D. Parmer, Chairman Democratic Territorial Central Committee:

Sir: I have carefully considered the letters from yourself and other members of the committee, relative to the use of my name before the next territorial democratic convention as a candidate for a third term in Congress.

Permit me to kindly thank you and the people of Dakota generally for the many assurances of confidence and approval that have encouraged me during the past three years of my public service.

When my present term expires I shall have devoted four years of constant labor for the interests of the territory, while yet in the meridian of life, and my own business has suffered so much thereby that today I am poorer than when I accepted the office. Hence, with the empty honors of Congress, and the kind benedictions of a grateful people—which are dearer than all—I hereby most respectfully tender to you and them, this final withdrawal of my name as a candidate for delegate to Congress, from before any and all conventions to be held in the territory.

I am, sir, your humble servant,  
M. K. ARMSTRONG.

There is no doubt that this letter from Mr. Armstrong expressed his sincere conclusion regarding another term, and that he had determined to withdraw from the political field after his term as delegate expired, March 4, 1875. He had previously made a similar declaration to many of his acquaintances in both parties, and it had become quite generally understood among the politicians of the territory. It was also known that he had arranged to enter into business at St. James,



Minn., and would cease to be a citizen of Dakota after his labors as delegate were ended.

This being the situation, the democratic party was left without a leader who could hope to win against the republicans who were now united in support of Judge Kidder. Mr. Armstrong, doubtless, was to some extent influenced by this situation; his former successful campaigns having been waged against a divided republican party; each division supporting a candidate.

#### ANTI-MONOPOLISTS

There had grown up in the territory within the year or so past, a faction of the republicans calling itself the anti-monopolists. A like organization existed in several states. It was the beginning of organized protests against the monopolistic tendency that was trending toward the control, by powerful commercial and industrial associations, of the important industries of the country. This territorial organization had won the confidence of Dr. W. A. Burleigh, who had not been in the political field since the campaign of 1870 when he and Mr. Spink divided the republicans and went down to defeat by the democrats under Armstrong.

The democratic territorial convention was called to meet at Elk Point on the 20th of August, 1874, and the anti-monopolists called their convention to assemble at the same place at the same time. This movement indicated that a coalition between these parties, for the support of a compromise ticket, was contemplated; but it was generally claimed that the democratic leaders were not pleased with the action of the anti-monopolists, in so calling their convention, and were not informed of such intention when the democratic convention was called.

The convention assembled at the date and place indicated. The following were made officers of the convention: J. W. Turner, of Turner County, president; Dennis Hennafin, of Burleigh County; Dr. J. B. VanVelsor, of Yankton County; and Jeremiah Gehon, of Lincoln County, vice presidents; Maris Taylor, of Yankton, and T. J. Sloan, of Clay, secretaries. A committee of five, on resolutions, was appointed, namely: G. W. Kellogg, Union County; F. M. Ziebach, Yankton County; Miles Russell, Clay County; H. Corson, Minnehaha; C. T. Campbell, Bon Homme.

The anti-monopolist convention was in session at the same time, and the proceedings of the democratic assemblage were here interrupted by a message from J. Shaw Gregory, president of that convention, asking for a conference committee. After some discussion, pro and con, a motion to appoint a committee prevailed; whereupon the chair appointed Charles Cooley, of Bon Homme; J. Kiplinger, of Union; J. L. Fisher, of Clay; E. T. Griffith, of Yankton; and Charles Deming, of Turner. This committee was instructed to make no terms with the anti-monopolists, but to learn what they had to propose, and report the same to the convention. After the conclusion of the conference, the committee reported that they had met the committee from the other convention, which had furnished them with a copy of the resolutions the anti-monopolists had adopted. The resolutions were laid on the table without reading; and the democratic convention, on motion, then proceeded to take an informal ballot for the nomination of a candidate for delegate to Congress, resulting: F. M. Ziebach, Yankton, 16; C. T. Campbell, of Bon Homme, 14; J. W. Turner, of Turner, 22; E. W. Miller, of Union, 22. A resolution was then adopted requiring a two thirds vote to nominate.

At this point the conference committee further reported that the anti-monopolists demanded the nomination of W. A. Burleigh, for delegate; but would concede to the democrats the remainder of the ticket.

Mr. Kellogg moved to lay the whole matter of conference on the table, and stated that he hoped the democracy had not got so low as to nominate a renegade republican.

On motion of Mr. Ziebach the conference committee was discharged from further duty. The convention then proceeded to take a formal ballot for dele-

gate, which resulted: E. W. Miller, 28; J. W. Turner, 43; C. T. Campbell, 5; W. A. Burleigh, 4. A second ballot resulted, Miller, 40½; Turner, 39½.

The convention then took a recess until 8 o'clock in the evening, and upon re-convening a third ballot was had, resulting, Miller, 34½; Turner, 46½; no choice. The fourth ballot was taken which gave Miller 29½; Turner, 40½; Burleigh, 10. Miller withdrew his name in favor of Turner; but declared if Burleigh was nominated he would not support him. The fifth ballot showed no material change—Miller still running. A recess was taken and on reassembling, Mr. Weston, of Union, withdrew the name of Mr. Miller unconditionally; and Mr. Ziebach withdrew the name of J. W. Turner. The sixth ballot followed, giving T. J. Sloan, 17½; J. W. Turner, 7; M. K. Armstrong, 4; W. A. Burleigh, 35½; Abraham Boynton, 8; U. H. Akers, 4. No choice.

Vice President Gehon, who was now in the chair, here took occasion to state that he for one would owe no allegiance to the convention if it nominated Burleigh. He charged that the convention was a farce and he believed a trick had been put upon it by a certain delegation (meaning Yankton). Turner could have been nominated but for their secret opposition; Burleigh was a refugee from his own party, and he could never support him.

There was considerable wrangling during the next half hour, and a number of delegates left the hall. Finally, a motion to take the seventh ballot prevailed, which resulted, Burleigh, 35; Kiddler, 10; Ryan, 1; Union County, 4; J. Gehon, 8; Armstrong, 1½; Bronson, 5; Maris Taylor, 1; Judge Akers, 1. Total, 66½, showing a falling off in the total from 80.

The hour being late, the convention voted to rescind the two-thirds rule, and the eighth ballot resulted, Burleigh, 36; Armstrong, 4; Gehon, 8; Taylor, 1½; Weston, 4; Burleigh having received a majority, was declared the nominee for delegate. The other nominations were: Territorial auditor, Henry Maxwell, of Hutchinson County; treasurer, Abraham Boynton, of Lincoln; superintendent of public instruction, Henry S. Back, of Cass; commissioner of immigration, Charles Eiseman, of Yankton County.

Territorial Central Committee—J. B. VanVelsor, Yankton, chairman; C. F. Lange, Turner; T. F. Singiser, Burleigh; H. F. Back, Cass; Jos. LaRoche, Charles Mix; H. E. Bonesteel, Bon Homme; Joseph Platt, Davison; C. J. Rardin, Armstrong; James McMillan, Lake; William Thompson, Buffalo; F. M. Ziebach, Yankton; A. Boynton, Lincoln; H. Corson, Minnehaha; T. J. Sloan, Clay; J. Kiplinger, Union.

At the conclusion of the proceedings, W. A. Burleigh, the nominee for delegate, was introduced and made a brief speech of acceptance, referring in strong terms to the monopolistic character of the party they had to contend with, viz: the republican. After which the convention adjourned.

#### ANTI-MONOPOLY CONVENTION PROCEEDINGS

This anti-monopoly or reform party was an outgrowth of the presidential campaign of two years before, when Horace Greeley ran as the virtual nominee of the democratic party for President. It had an organization in nearly all the northern states, and was said to have its membership mainly from the republican party. It would be idle to attempt to conceal the fact that the leader and his personality was doubtless the larger part of the Dakota organization. The delegates to the Elk Point convention numbered forty-seven all told, and were for the most part from Union, Yankton and Bon Homme counties. Cyrus Northrup, of Elk Point, was elected chairman of the convention, and T. R. Jewell, of Clay County, secretary. Their proceedings do not show that any Committee on Credentials was appointed, and about the first business transacted was the appointment of a committee of five to confer with a like committee of democrats and endeavor to arrange for the nomination of but one ticket that both parties could support; and at the same time announce to the democrats that they could name



all the nominees except the delegate to Congress, which the anti-monopolists would claim, with Doctor Burleigh as the nominee. The committee conferred with the democrats, and returning reported that they had been unable to make an agreement; on the other hand that the conference had not been harmonious, and the committee had not received courteous treatment. This report caused a sensation in the convention, whose amicable intentions had been treated with indignity; and so much antagonistic feeling was engendered, that the convention resolved to go it alone, and accordingly proceeded and nominated a full ticket, Doctor Burleigh for delegate receiving 41 votes, and J. Shaw Gregory, 6. The successful nominee addressed the convention at length, going over the purposes of the new party quite thoroughly. The convention also nominated the following territorial officers: Treasurer, Arslick Iverson, of Lincoln County; auditor, Dr. O. F. Stevens, of Union County; commissioner of immigration, Jacob Brauch, of Yankton County (Mr. Brauch was not present, and declined to accept); superintendent of public instruction, George Stickney, of Union County. The convention then adjourned.

#### A SECOND DEMOCRATIC CONVENTION

The disaffected among the delegates at the democratic convention refused to accept the result of the convention, and held a convention during the night following after the regular convention adjourned, at which T. J. Sloan, of Clay County, was chosen chairman, and U. W. Weston, of Union, secretary. The matter of Burleigh's nomination was freely discussed, and it was finally voted to ignore not only his nomination but the entire convention and its proceedings. A resolution was adopted declaring that the convention now assembled was the only genuine democratic convention held pursuant to call, and it was its duty to nominate a ticket that democrats could consistently support. Accordingly, the nocturnal assemblage determined, as was stated, to purge the democratic party of Dakota of this deceitful subterfuge and betrayal of its honor; and the convention then proceeded and nominated the following ticket, which it recommended to the support of democrats who favor clean politics and an uncorrupted ballot, namely:

For delegate to Congress—E. W. Miller, of Union; superintendent of public instruction, G. D. Loughton, Clay County; auditor, W. W. Fowler, of Lincoln; treasurer, John McCabe, of Yankton County; commissioner of immigration, C. F. Lange, of Turner County. The convention then adjourned.

It will be realized that the democrats had not entered the campaign under favorable auspices. Without these dissensions, they were confronted by the united republicans under Kidder, and the normal republican vote was nearly two to one against the democrats. There was, however, the untested vote of the new counties north of the 46th parallel, which had come into the territory during the two preceding years following the construction of the Northern Pacific Railway—a vote which was estimated to be much larger than the entire vote of the older southern counties, and with this unknown factor to conjure with, a lively campaign ensued. The Australian ballot and other election reforms, if they are entitled to be classed as reformatory, had not yet been introduced. The election would be held in October, only six weeks away, and the artillery as well as small arms of the republicans, and the uncompromising democrats were turned with much vigor, in daily and nightly stump meetings held in all the settlements, upon the leader of the anti-monopoly forces and his democratic allies. An earnest effort was made to induce the withdrawal of Mr. Miller, the candidate of the second democratic convention, but it was unsuccessful. The Northern Dakota situation was not encouraging; and an independent candidate for Congress had come out at Fargo, Mr. H. S. Back, who claimed that inasmuch as the new Territory of Pennington was to be organized that section had little stake in the election and should choose for delegate a citizen of the proposed new territory. In view of this troubled sea of politics, and for the reasons stated in the appended

letter, Doctor Burleigh concluded to withdraw from the field, and issued the following statement:

Yankton, D. T., September 8, 1874.

Dr. J. B. VanVelsor, Chairman of the Democratic Territorial Committee.

Sir: At the time I accepted the nomination tendered me by the recent democratic territorial convention at Elk Point, I did so upon the express understanding that the democratic party would unite with the anti-monopoly party of the territory, in support of the joint nominees of the two conventions. It now appears that a disaffection exists in the democratic party and that an opposition ticket has been placed in the field by a mere faction of the party—thereby leaving me not only to overcome the administration party, which is largely in the ascendancy in the territory, but to contend against the efforts of those upon whom I had relied for support. With this state of things existing, can anything be more certain than defeat?

While I shall ever hold in grateful remembrance the friends who have stood by me in the past, I must decline the empty honor of contending against such odds, and leave the responsibility of defeat to be borne by those who have brought about this dissension in a party already too weak to win a victory without assistance.

For the reasons here stated, I respectfully withdraw from the canvass, and leave the field to those who are more ambitious of political honors, and more efficient in action, than I am.

Respectfully yours,  
W. A. BURLEIGH.

#### A THIRD DEMOCRATIC CONVENTION—BURLEIGH RENOMINATED—DECLINES

About the 15th of the month following Doctor Burleigh's withdrawal, Hon. E. W. Miller, of Elk Point, who had been named by the second democratic convention as a candidate for delegate, gave in his declination. A democratic convention was then called to meet at Vermillion on the 19th of September, for the purpose of naming a candidate. This convention assembled at the time appointed and elected J. W. Turner, president; L. D. Palmer, of Yankton, and O. F. Stevens, of Union, vice presidents; and T. W. Jewell, secretary. After much time devoted to consultation, the convention having resolved to nominate a candidate for Congress, an informal ballot was taken, resulting: Doctor Burleigh, 57; S. L. Spink, 37; scattering, 9.

Bartlett Tripp, who was present, made a brief speech, urging fair and regular proceedings, and positively refused to stand for the nomination. The convention then proceeded with a formal ballot, giving to W. A. Burleigh, 59 votes, and S. L. Spink, 42. The nomination of Mr. Burleigh was then made unanimous. The nominations for territorial officers by the former conventions were then set aside, and the following ticket named: For territorial auditor, O. F. Stevens, of Union County; treasurer, G. C. Maynard, Clay County; superintendent of public instruction, Henry S. Back, of Cass County; commissioner of immigration, Benton S. Fraley, of Bon Homme, auditor. The convention then adjourned.

Doctor Burleigh was not in the territory at this time, and when informed of the action of the convention, refused point blank to have anything further to do with it. It then transpired that at or just before the time of holding this mass convention, an effort had been made by telegraph to induce M. K. Armstrong, who was in Washington, to accept the nomination and in the event of a favorable reply to nominate him. Armstrong's reply explains and follows:

#### ARMSTRONG CONSENTS TO RUN

Washington, D. C., September 19, 1874.

Hon. D. T. Bramble, Yankton.

Dear Sir: Your telegram of this date reached me too late for a reply before the adjournment of the mass convention. I have not heard the result but hope the convention went off harmoniously. Had I received your telegram in time, I should have replied in these words, namely: "I cannot spend time and money in a third campaign. The people know my record for fifteen years past. I have served five years in the Legislature and four years in Congress, and if my constituents are satisfied with my labors, and should vote to send me back here, I will serve them faithfully. I have been through two campaigns and have traveled all over Dakota, and have addressed the citizens in nearly every town in the territory, and they know me as well as they ever will."

Most respectfully,  
M. K. ARMSTRONG.

Inasmuch as the democratic party had no candidate in the field when this letter was made public, and as it had been generally conceded that Mr. Armstrong would have been the nominee of the Elk Point convention but for his peremptory refusal to accept, it is not remarkable that his party friends in Dakota looked upon this letter as an acceptance of the candidacy without a formal nomination, and he was forthwith announced as the democratic candidate for delegate.

#### KIDDER ELECTED

The election was held on Tuesday, the 13th of October, Kidder and Armstrong being the candidates of their respective parties. Armstrong returned to the territory and made a number of addresses in the Northern Dakota counties. The official vote gave J. P. Kidder 4,517; Armstrong, 2,181. Majority for Kidder, 2,408. It will be noted that the vote of the territory had doubled in two years.

#### A BLACK HILLS VOTE. THE VOTE OF NORTHERN COUNTIES

A certified list of votes was returned to the office of the secretary of the territory, signed by William Gore, John Smith, and James Dunn, as judges of election, stating that at an election held in Custer's Gulch, in the Black Hills, Dakota, on the 13th day of October, 1874, by miners and explorers, citizens of the United States and the Territory of Dakota, 2,876 votes were cast for M. K. Armstrong, for delegate to Congress, and 101 for J. P. Kidder, for the same office. As no election precinct had been established in the Black Hills, and it being well known as Indian country, where white people could not gain a legal settlement, and as the Territory of Dakota had no jurisdiction whatever over the country, the territorial board of canvassers refused to receive the vote; but the statement made may be accepted as showing the large number of white persons who at that early day had managed to avoid the military patrol and had invaded the southern Black Hills country. From all the returns of the election, not including the Black Hills, it was estimated that the territory contained a population of 33,930. As the federal census of 1870 gave only 14,981, it was evident that the territory had been gaining rapidly in population. The largest county vote was polled in Yankton County, 1,224. Votes were cast in seven new counties in the northern part of the territory, north of the 46th parallel, to-wit: Burbank, 34; Burleigh, 125; Grand Forks, 152; Cass, 305; Pembina, 200; Richland, 225; Stutsman, 53. Total, 1,500.

Not estimating the number of persons in the Black Hills, and allowing five persons for each voter, the counties south of the 46th parallel contained a population of 26,430, and the counties north of that line, 7,500. It was estimated that there were about two thousand voters, residents of new counties, north and south, who did not vote. The misfortunes attending the democratic campaign tended to reduce the vote, so that a fair estimate would be a total voting population of 8,780, and a total population in the territory, not estimating the Black Hills, of 43,930.

Regarding the Black Hills vote, a statement was made following an investigation ordered by General Sheridan, in November, stating that no white men had entered that territory since the Custer expedition, in July and August previous.

The counties of Armstrong, Burbank, Brule, Davison, Grand Forks and Buffalo were organized in 1874.

#### OFFICIAL VOTE

The election was held on Tuesday, October 13, 1874, and the vote cast was officially canvassed on November 27, 1874. Gov. John L. Pennington, Chief Justice P. C. Shannon, and Sec. George H. Hand, forming the board of canvassers. The following table gives the result of the vote for delegate to Congress:



Counties	For J. P. Kidder	For M. K. Armstrong
Armstrong .....	3	31
Bon Homme .....	170	227
Brookings .....	37	1
Buffalo .....	4	33
Burbank .....	34	...
Burleigh .....	357	168
Cass .....	278	27
Clay .....	674	159
Davison .....	...	18
Grand Forks .....	113	39
Grant .....	9	...
Hanson .....	20	14
Hutchinson .....	40	30
Lake .....	34	9
Lincoln .....	584	168
Minnehaha .....	414	77
Moody .....	21	45
Pembina .....	187	19
Richland .....	223	2
Stutsman .....	25	28
Sully .....	30	40
Turner .....	157	82
Union .....	519	470
Yankton .....	664	550
Total .....	4,597	2,189

Rev. J. J. McIntire, of Turner County, was elected superintendent of public instruction; A. Sheridan Jones, of Hutchinson, auditor; John Clementson, of Union County, treasurer; Fred J. Cross, of Minnehaha, commissioner of immigration.

#### LEGISLATURE OF 1874-75

The eleventh session of the Legislative Assembly of the Territory of Dakota convened at Yankton, the capital, at noon, on Monday, December 7, 1874.

The members-elect of the Council were: First District—Union County, M. W. Sheafe, Jr., M. Pace and O. F. Stevens. Second District, Clay County—V. J. Austin, P. Chandler, and John L. Jolley. Third District, Yankton County—Jacob Brauch, John Lawrence and Clark S. West. Fourth District, Bon Homme, Hutchinson, Armstrong, Hanson and Davison counties—Benton Fralley. Fifth District—Lincoln, Minnehaha, Lake, Moody and Turner counties—G. W. Harlan. Sixth District, Pembina, Cass, Richland, Ransom, Barnes (formerly Burbank) counties—Alex. Mellench. Seventh District, Burleigh (see House, Fifth District), E. A. Williams.

The Council organized by the election of John L. Jolley, of Clay County, president; and the following subordinate officers: Arthur Linn, secretary; B. S. Gillespie, assistant secretary; E. B. Dawson, enrolling clerk; J. W. Blanding, Richland County, engrossing clerk; E. A. May, sergeant-at-arms; Justus Schnell, messenger; Ole Holther, watchman; S. Peterson, doorkeeper; Rev. M. Hoyt, chaplain.

The seat of E. A. Williams, Seventh District, Burleigh County, was contested by B. F. Slaughter, of the same county, and a large amount of testimony was taken. The district was the largest in the territory embracing twenty-one counties, and votes were cast from Fort Buford on the northern lines south to Charles Mix County. A very full investigation was had—a majority and minority report was made—the majority report favoring Williams, and this report was adopted on the thirty first day of the session. Williams, however, had held the seat from the beginning of the session.

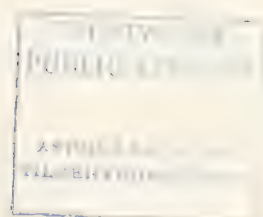
The members of the House of Representatives were: First District, Union County—Michael Curry, Desire Chau-see, Ira Ellis, M. M. Williams and Patrick Hand. Second District, Clay County—Scott Wright, J. M. Cleland, S. Svenson,



JEFFERSON P. KIDDER

Delegate to Congress from 1875 to 1879





O. B. Larson, and Knud Larson. Yankton County, Third District—G. C. Moody, H. O. Anderson, J. H. Haas, Lars Sampson, and A. L. VanOsdel. Fourth District, Bon Homme and Hutchinson counties—Joseph Zitka and Henry Rietsnyder. Fifth District, Charles Mix, Buffalo, Hyde, Hand, Faulk, Edmunds, McPherson, Hughes, Sully, Ashmore, Walworth, Campbell, Burleigh, Stevens, Wallete, Mountrail, Renville, Bottineau, Douglas, McHenry and Sheridan counties—George Bosworth, Bismarck, and W. T. McKay, Charles Mix County. Sixth District, Turner and Lincoln counties—James M. Wahl, and Joseph W. Berry. Seventh District, Pembina, Cass, Stutsman, and other counties—Hector Bruce. Eighth District, Minnehaha, Lake and Moody counties—Amos F. Shaw, Herman N. Luce, and Lars Bothun. Ninth District, Brookings, Deuel, Hamlin and Grant counties—C. H. Stearns. The officers chosen by the House of Representatives were G. C. Moody, speaker; C. F. Mallahan, chief clerk; C. B. Valentine, assistant clerk; James Goodyear, enrolling clerk; John Nelson, engrossing clerk; Warren Osborne, messenger; O. B. Peterson, watchman; Knud Oleson, doorkeeper; Rev. M. Jamison, chaplain.

#### GOVERNOR PENNINGTON'S FIRST MESSAGE

The first annual message of Gov. John L. Pennington was delivered to a joint convention of the two houses, held on the second day of the session. The message is here reproduced:

Gentlemen of the Council and House of Representatives:

You are assembled here to consult together and enact laws for the best interests of the people, and I hasten to assure you that in all your labors for the development of the resources of the territory, the protection of society, and the enhancement of the prosperity of the people, whose servants we are, you shall have my hearty cooperation. Let us, then, laying aside all selfish and partisan feelings, and invoking the aid of Divine wisdom, without whose guidance all our labors are as nothing, and mindful of the great responsibility resting upon us, enter upon the discharge of the important duties before us.

Great and startling events have occurred in this country since the adjournment of the last Legislature, some of which have seriously affected the growth and prosperity of Dakota.

In the fall of 1873 a financial panic occurred, from which all the industrial pursuits and business interests of the country are still suffering—a crash that stunned and almost paralyzed for a time, all commercial operations and caused a suspension of nearly all great business enterprises. This monetary convulsion necessitated a suspension of all construction work on the Northern Pacific Railroad, and as a result checked to a great extent the rapid flow of immigration which was flowing into the northern portion of the territory. Let us hope, however, that reviving prosperity will soon enable the projectors of that great national highway to go forward with it and that we may enjoy the benefits of the increased population and wealth that such resumption will be sure to bring.

The worst governed people are those who are governed most, and those who have the largest number of statutes have, as a general thing, the poorest laws.

I do not deem it my duty to recommend much in the way of new legislation, for in my humble judgment you can accomplish more good by a careful revision and simplification of existing statutes than you can by enacting new ones. All statutes should be plain, simple, direct, and free from ambiguity or vagueness.

With these preliminary generalities, I proceed to refer, under appropriate heads, to some of the more prominent subjects, which will probably receive attention at your hands.

I would respectfully suggest that the auditor, treasurer, and superintendent of public instruction, and commissioner of immigration be required to make annual reports to the governor, and that they be required to prepare and deliver them in time for that officer to avail himself of their use in the preparation of his message, and that it be made the duty of the governor to transmit the reports of the territorial officers named to the Legislative Assembly, with his own communication to that body.

Our population is mainly agricultural, and as in most new countries, most of them very poor, and hence the legislative authority should render taxation as light as possible, and only collect enough from the people to answer the purposes of the most economical form of government. The present revenue law provides that "the rate of the general territorial tax shall not be less than one-half mill, nor more than two mills on the dollar valuation." The territorial board of equalization fixed this general tax for the current year, at one mill on the dollar, which it was thought would be quite sufficient if promptly collected. I therefore see no necessity for increasing the amount which may be raised for territorial purposes.

## INTEREST ON LOANS

It has been argued by learned writers that as nations progressed in civilization and refinement, that the market rate of interest on loans continually fell. Thus in the thirteenth century, in maritime Europe, the market rate on the best securities averaged over 15 per cent, but in the eighteenth century the market rate on similar securities had fallen to less than 3 per cent.

The inflation and fictitious values of the last few years in this country have had a tendency to largely advance the rate on loans, and as the poorer, producing classes are the borrowers, the high rates of interest which they have been compelled to pay for accommodation have contributed largely to hamper and cripple all industrial and commercial pursuits, and is undermining and eating up the labor of this country. The cry that "money is worth what it will bring," is not only untrue in fact, but its practical application tends to demoralize all commercial operations and to paralyze the energies of the producing classes. A stable currency and uniform low rate of interest will alone restore a healthy condition to the body politic, and bring prosperity to the individual citizen. "High interest is only another name for bad security" is a truism that is recognized by all shrewd business men, and especially by capitalists who loan money. And any state, territory, or community that will establish a reputation for prompt payment can get all the money they want at reasonable rates.

The poor farmer who is struggling on a homestead for a subsistence, and who attempts to better his condition by borrowing money at 18 to 24 per cent will soon find himself without home or bread, for in the majority of cases it requires a foreclosure of the mortgage to collect the debt, and no amount of economy and industry on the part of the borrower will enable him to pay such interest. Generous and productive as our soil is, it will not justify those who till it in paying such rates of interest for the use of money. The rate of interest in this territory was originally fixed by law at 7 per cent per annum on the dollar, and such is still the law except where a higher rate is agreed upon between the borrower and the lender, where by mutual agreement the rate may be made as high as 18 per cent, and of course but few contracts are made except at these higher figures. It is contended by some that in new countries on the frontiers it is necessary that local statutes should establish a high rate of interest to induce capital and investment. In my humble judgment this is a mistake. The establishment by law of a low rate of interest would inspire capitalists at a distance not only with our ability but with our determination to pay, and the improved commercial and financial character thus made for ourselves would secure for us all the money we might require to develop and build up the territory, without impoverishing our citizens to enrich usurers and Shylocks.

For these reasons I respectfully recommend, and in the name of the laboring and producing classes, most earnestly urge, that your honorable body so amend and change existing laws that not more than 10 per cent per annum on the one dollar shall be collectable. And that the taking of a larger rate under any pretext whatever shall be deemed usury and be declared unlawful, and be punished by the infliction of pains and penalties. All laws that recognize and permit such extravagant rates of interest as have prevailed in this territory, are intended for the benefit of the few at the expense of the many; for the oppression of labor in the interest of capital, and the people whose voice has clothed you with authority to enact laws expect relief from these grievances at your hands.

## AGRICULTURE

The future wealth of Dakota must depend largely upon the products of the soil, as the pursuits of our population are mainly agricultural. The soil is generally fertile and well adapted to the growth of wheat, barley, oats, rye, and potatoes, while fruits and vegetables may be raised in sufficient quantities to supply the wants of the people, but the main reliance for wealth, especially to our farmers, is in the growth of wheat. Our climate and soil enables us to produce wheat that makes a flour that is unsurpassed in the markets of the world, and already has Dakota flour attained such a reputation for superior excellence in the eastern markets that it commands a much higher price than any other brand, if we except possibly that made from Minnesota wheat, and notwithstanding the rapid growth of our population and the increased production of wheat, it is impossible to supply the demand.

The great obstacle in the way of the successful growing of wheat has been the grasshoppers, but the success of the present year, while not all that could have been wished, was still such as to warrant the conclusion that thorough preparation of the soil, early sowing and timely harvesting, with prudence in the selection of the seed, will insure an abundant yield.

## PUBLIC SCHOOLS

The superintendent of public instruction made an elaborate report to the executive, bearing date of January 1st, 1874, a copy of which is herewith transmitted, and to which I invite a careful examination on your part. The report furnishes evidence of interest and zeal for the work and in the cause of education, and you are respectfully referred to the

suggestions and recommendations that have been made, or that may hereafter be made, by the superintendent, whose business it is to thoroughly understand the machinery of our whole educational system and to promptly point out and zealously urge all needed reform.

From a cursory examination of the report referred to, it appears that rapid strides have been made in the establishment of schools and in providing the facilities for educating the children, but owing to the increase of population and the extension of settlements, the work will be a continuous one, and additional legislation will be necessary from time to time, all of which I doubt not will be cheerfully rendered by you and your successors in office.

#### GRASSHOPPER VISITATION DESTITUTION

The crops of the present year in some parts of the territory were seriously damaged by the grasshoppers, but the wheat, our main dependence, sustained more injury from drouth and intense heat than from insects. Should the grasshoppers afflict us every year, which is not at all probable, the use of early varieties of wheat and early seeding will thwart their operations, so far as this, our staple product, is concerned.

Notwithstanding the grasshopper visitation, however, but one instance of destitution, actual or prospective, has been brought to the attention of the executive department, though others may and probably do exist.

In the County of Brookings, I am informed by reliable authority, there are ten or twelve families, comprising not more than forty or fifty persons in all, who have been rendered actually destitute in consequence of the destruction of their crops. These people are now without the actual necessities of life, and from no fault of their own, and must have assistance to help them through the winter and to make another crop, or they may starve. If it be in the power of such of our citizens as have been more highly favored to relieve the necessities of their unfortunate neighbors, it will be much better for our present and future prosperity that they do so, and not call on the outside world for aid. And I earnestly recommend that your honorable body take such action in the premises as an enlightened statesmanship may suggest, and such as the exalted principles of humanity and the inspired teachings of Christianity will approve.

#### RAILROADS

We cannot look for any railroad construction or extension until the country recovers from the commercial and financial depression which now exists. In late years railroads have been built mainly by subsidies, and with money obtained from abroad, and not with means furnished by the citizens of the country through which the improvements have been made. Our population is rapidly increasing, settlements are extending and new ones are opening up, and there is a large annual increase of the products of the soil, and we must soon have more railroads. The people of the Sioux Valley, and of the Vermillion Valley, and of the Dakota River Valley, and those along up the Missouri, feel the need of additional means of transportation, and are clamoring for railroads, but that they are not yet in a condition to construct them is an undeniable fact. How and when, then, are we to get them? We answer, that we must appeal to the generosity of the general Government and ask that a part of the public lands be donated to us, as they have been to other states and territories, for that purpose. And further, we must encourage capitalists by a system of liberal legislation, to assist in our expansion and development by investing their own means in new railroad enterprises, and in extending such as already have a foothold in our young and growing territory. In order to build up we must have help from without, and our legislation must be such that the capitalist who comes here to put his money into railroads or other enterprises will feel that it is safe, and that he is not to be made the subject of oppressive taxation to satisfy an agrarian or fanatical sentiment.

In some of the older communities powerful corporations have doubtless become oppressive monopolies, but the good overbalances the evil done by railroads as ten to one throughout the land; and the few instances of monopoly and oppression that have occurred by no means justify the howl that has been made, nor the unwise and impolitic legislation that has occurred in some of the states. Railroad property, like all other property, should be the subject of taxation, but a people who acknowledge their own inability to build roads and who are inviting capital from abroad to come and build for them, should be very guarded how they tax, or how they propose to tax, such property.

The people of the territory owe a debt of gratitude to the men who conceived and carried to their present unfinished condition, the roads we have, as well as to the Government which so liberally aided some of them. And our people should cultivate kindly feelings of friendship with those who have extended these great arteries of trade and commerce to this remote outpost of civilization, by levying only a nominal tax on their property, especially now while their earnings are small, and by the pursuance of a uniformly liberal and generous policy encourage others to come and extend and enlarge the system of railroads in our territory, which a few bold and adventurous men have commenced.

A revision of the laws was recommended.



## IMMIGRATION

The increase of population, especially by immigration from Europe, since the adjournment of the last Legislature, has been quite large, and a constant stream is still flowing in, and while I do not share the feelings and hopes of those persons who think that Dakota is to be admitted as a state in a year or two, I do consider the rapid increase of population, whether considered as to numbers or to character, as a good augury for the State of Dakota that is to be. This immigration should be encouraged by all the means within our power, and I respectfully recommend that such aid and encouragement be extended for that purpose as your wisdom may suggest.

## THE BLACK HILLS

The reported presence of the precious metals in the Black Hills by the officers commanding and persons accompanying the military expedition made by order of the Government of the United States to that section of this territory during the past summer, has kindled a good deal of interest not only in Dakota, but throughout the country, and a great desire has been manifested to have it opened up by immigration and settlement.

By reference to the United States statutes at large, volume 15, page 635, it will be seen that all that part of the country known as the Black Hills, which lies in Dakota, is embraced in the Sioux Indian Reservation, and that the Government of the United States is bound by the sacred obligation of this treaty to protect those tribes of Indians to whom the cession was made, in the peaceful possession of their reservation. While this treaty is of force, any citizen who enters upon the reservation is a violator of the law, and subject to be arrested, tried and punished for such infraction. And I admonish all citizens of Dakota not to be tempted, even by the fabulous reports concerning gold in the Black Hills, to subject themselves to punishment for a violation of the laws of their country.

Your honorable body might with propriety make known the wishes of the people whom you represent, relative to the opening of the Black Hills, by a memorial to Congress, but while the treaty remains, I advise all citizens of this territory to keep off the forbidden ground. The law will be enforced, the dignity of the Government will be maintained, and all expeditions in that direction, in violation of law, will come to grief.

The message recommended that all territorial officers be required to keep offices at the capital.

Recommendation that the territorial library be placed in charge of the secretary of the territory.

Recommended a change in the judicial district boundaries, and a just apportionment of the membership of the Legislature.

## TIMBER

Nothing will enhance the value of the prairie homestead so rapidly as the planting of trees and growth of timber. Besides the improved appearance and additional comfort secured, a few acres of timber adds largely to the cash value, and I earnestly appeal to every owner of the soil to plant trees, and respectfully suggest to your honorable body to encourage and foster the growing of timber by the enactment of wise and judicious laws, should your wisdom suggest that legislation is necessary on that subject.

No pardons had been granted. A recommendation was made that the election law be amended to compel the county instead of the territory to pay the expenses of sending for delinquent election returns.

Recommended that a law be enacted authorizing the governor to offer a reward for the detection of persons guilty of criminal practices who have evaded the usual methods of arrest.

A brief resume of national affairs is given, and regret expressed at the prevailing lawlessness manifested in some sections of the country, and Dakota congratulated at the prevailing tranquility and respect paid to law and order within her borders.

## THE APPROACHING CENTENNIAL OF 1876

The Centennial Exhibition, which it is proposed to hold in Philadelphia in the year 1876, to celebrate and commemorate the one hundredth anniversary of American independence, is attracting the attention not only of the people of our own country, but of all the nations of the civilized world, and it is expected that all the Christian powers of the earth will be represented in this great jubilee on the occasion of this first centennial anniversary of the freest and greatest nation on earth.

While we cannot expect to compete with the states or even with the older territories in contributions to that vast collection, still we can contribute something, and I imagine that every patriotic Dakotan will desire that there be a Dakota department in this greatest of all world's expositions.



Impressed that such would be the wishes of our people, and in obedience to an invitation by the commissioners of the Centennial Exposition to all states and territories to appoint a board of managers, not to exceed five in number, to represent the interests of their respective constituencies in the said exhibition, I appointed, by proclamation, on the 16th of February, 1874, Hon. F. J. Dewitt, Hon. E. W. Miller, Hon. A. F. Shaw, Hon. Walter J. S. Traill, and Hon. W. A. Burleigh, to constitute the said board for this territory.

I respectfully request that your honorable body recognize this board of managers and clothe them with all the necessary authority to cooperate with the commissioners appointed by the President of the United States in giving Dakota a respectable representation in this great international exhibition.

#### INDIAN AFFAIRS

I have heard but little complaint of Indian depredations along our borders during the present year. The Indians on the reservations within Dakota seem to have been generally quiet and well behaved, and whatever may be the opinions of theorists on this problem, I am of opinion that the present peace policy being pursued toward these wild tribes is the best ever yet instituted, and that results are being developed highly creditable to those who are concerned in the control and management of Indian affairs.

While it is the duty of the general Government to look after the Indians and prevent their infringing the rights of citizens, it is our duty, so far as the citizens of this territory are concerned, to see that citizens keep off the reservations, and do not infringe those rights of the Indians, to maintain which the good faith of the Government of the United States is pledged.

Recommend that the Legislature memorialize Congress for an appropriation to build a capitol building and a penitentiary.

In conclusion. Being fresh from your constituencies, selected, it is to be presumed, from amongst all the people on account of your superior intelligence and acknowledged virtues, I had you welcome, in their name, to these legislative halls, and invoke the blessing of Almighty God to give you wisdom and courage sufficient for every emergency that may arise in the discharge of the responsible duties upon which you are about to enter.

JOHN L. PENNINGTON

Executive Office, Yankton, D. T., Dec. 7th, 1874.

The important laws enacted at this session were: Authorizing a bureau of immigration, indicating that Dakota would thenceforward make an earnest effort to secure a share of the increasing number of people who were annually migrating from the eastern states and from the countries of Europe to the western portions of the United States; a law reducing the rate of interest, under special contract, from 18 to 12 per centum; to provide for the safe keeping of insane persons, and for the education of the deaf, dumb, and of the blind; to codify the laws of the territory; to provide seed grain to settlers who are in need by reason of a failure of crops in 1874; also a law providing for the issue of \$25,000 in territorial bonds for the relief of destitute, etc. (which was found impractical and it was not enforced); an act regulating the sale of intoxicating liquors; an act making the conveyance of a homestead not valid unless the wife joins in such conveyance (this was a law which it was alleged repealed the personal exemption law passed by the first Legislature in 1862, and which Congress, being appealed to, nullified the section relating to personal property exemptions. For particulars the reader is referred to the subjoined article, entitled "Exemptions," following these legislative proceedings).

Memorials to Congress covering numerous subjects were passed, the most important being those asking "for the early opening of the Black Hills to settlement," and "the organization of a new territory by a division of Dakota on the forty-sixth parallel."

A new legislative district apportionment law was enacted which contained the clause following:

In case a new territory shall be erected out of the northern portion of Dakota Territory, prior to the next general election, or before a new apportionment of legislative members is made, the commission and representatives herein assigned to Northern Dakota shall be and the same are hereby assigned as follows:

To the First District, one member of the Council and one member of the House of Representatives.

To the Second District, one member of the Council and one member of the House of Representatives.

The counties of Stanley, Cheyenne, Delano, Mandan, Lawrence, Custer, Forsythe, Shannon, Lugenbeel, White River and Pennington shall be and are hereby attached to the Tenth Representative District for election purposes. (These counties were all in the Sioux Indian Reserve.)

Attention is directed most particularly to the closing paragraphs of this apportionment law as furnishing the most satisfactory and unimpeachable evidence of the early sentiment in favor of dividing the territory. Preparations were even made for the event by the highest authority in the territory, and no voice raised in the Legislature except that of earnest approval.

The Legislature adjourned on the 15th of January, 1875, after a full forty days' session. It had been somewhat remarkable as a business session, and the absence of many of the unpleasant features of former assemblies. The contested seat cases were decided upon their merits, as shown from the best testimony procurable; that from the Seventh District, in which Bismarck was situated, and which included about a thousand miles of the Missouri Valley, being the most difficult to adjudicate.

The opening of the Black Hills at an early day was anticipated by the enactment of a mining law, and the adoption of a memorial to Congress urging immediate action in removing the Indian title to the country, and setting forth its advantages as a mineral, forest and pastoral region.

There was considerable criticism indulged in by leading citizens of the northern part of the territory beginning prior to this session and continuing for a number of years after, alleging that the southern portion of the territory had selfishly deprived them of their just proportion of legislative members, delegates to conventions, etc.; but in justice to the south it must not be lost sight of that the members of the Legislature of this session, in common with the people of both sections at this time, and for about seven years following, confidently looked for a division of the territory, a measure that had been pending in Congress for at least two years prior to this session, and only awaited the time, then apparently rapidly approaching, when the northern half would gain sufficient population to meet the objections of Congress and be erected into an independent territory. A glance at the legislation of this session will reveal the sanguine expectation of the members of the body regarding the early dismemberment of Dakota, and in order to provide for the harmonious and satisfactory execution of the laws that would be affected by such division, provisions were incorporated in some of the enactments in anticipation of such a contingency before another Legislature would be assembled.

#### THE SOUTHERN BOUNDARY WEST OF THE MISSOURI

The southern boundary of Dakota Territory, east of the Missouri River, was the river itself from the mouth of the Big Sioux to the mouth of the Niobrara, or Running Water River, thence up that river to its junction with its most principal tributary, the Kcha Paha; thence up the Kcha Paha to its intersection with the forty-third parallel of north latitude; thence west on said parallel to the southwest corner of the territory.

This forty-third parallel boundary line between Dakota and Nebraska had not been marked prior to 1874. As the Government was contemplating an agreement with the Sioux Indians by which a portion of the western Dakota Indian country (and it was at that time all Indian country as far north as the Cannon Ball River), it became necessary to have a survey made authentically defining and marking the Nebraska-Dakota boundary from the intersection of the forty-third parallel with the Kcha Paha River west to the western boundary of the territory. The work was in charge of the United States Department of the Interior, and was commenced at the crossing of the Kcha Paha, and continued thence west to the southwest corner of the territory. Chauncey Wiltse, of the Interior Department, civil engineer and astronomer, was in charge of the work,

and George W. Owens, a land surveyor of Bon Homme County, one of his assistants. From Mr Owens a very clear and satisfactory account of the work was obtained, which is herewith appended:

Our work was begun on the 25th of August, 1874, at Kcha Paha River and it was estimated that the distance to be traversed would be 224 miles, through supposed Indian country, terminating near the base of the Black Hills, with a party of twenty-nine men. An order had been issued for a military escort, and General Ord was reported to have said that it would take 1,000 men to make it safe, and other authorities were also quoted claiming that wagons could not be gotten through the country. But before the time of need, the order for the escort was countermanded, and Mr. Wiltse determined to go on without an escort, with wagons (though a small escort was sent, at his service, to Spotted Tail Agency afterward). So by the 25th of August his party was across the Niobrara from the south, ready for the tramp. The party did not know but they were to "close" in the Black Hills, which the red men had so long guarded with jealous care. It was at this point on the Kcha Paha River, town 35, range 20, that I overtook the party and found it furnished with everything to make the trip safe and pleasant. Mr. Wiltse was a very pleasant gentleman, kind to men and animals, and of untiring perseverance, energy and courage.

After making astronomical observations to locate the starting point and marking it, we started westward over a country, where an engineer never before had occasion to carry a transit or take a "sight." And the mounds and mile posts looked rather strange in this wild country.

For the first fifty miles the country is interesting on both sides of the line (the 43d parallel), and Kcha Paha in view at the north, bringing the boundary diagonal across the south tributaries of the river. These tributaries are numerous, the best of water, and good grass land bottoms from one fourth to a mile in width. This grass is the excellent blue joint, standing in many places waist high, very thick and fine, and extending over the country for many miles. A fine region for live stock. At the sources of these tributary streams, and near the Niobrara River, and extending almost from the mouth of the Kcha Paha west, is a strip of sand and other hills, that seem to be a sort of spur of the Great Sand Hills that extend along the Niobrara, almost or quite to its very source. But we found the country well watered, grass good, and road, with few exceptions, very good. We also found sufficient wood.

At a distance of sixty miles, about, we came to a stream flowing south to the Niobrara, along the west side of which the Great Sand Hills extend to the north to the head of the south fork of White River, and with their caps and rugged looks seemed impassable for our train. But through these Sand Hills we found a valley or "pass" (Owen's Pass now), supplied with excellent spring water, good grass, and sufficient wood, from ten rods to a mile in breadth, and extending over twenty miles due east and west, and making a remarkable road through these hills, which would otherwise have been almost impassable for a loaded train. Though the country for the next sixty miles is intermixed with sand, hills and valleys, lakes, etc., the road was good, supplied with good grass and most excellent water, though the white dry alkali lakes can also be found here. Handsome springs of purest water are quite numerous around the lakes and in the valleys.

At a distance of about one hundred miles we came upon some large lakes around which game was plenty; water fowl so numerous it would seem to be a place specially fitted for a true sportsman. Beaver, otter, and other furs are plenty on the small streams and about these lakes. Antelope, elk and deer are also plenty, and our party was supplied with the choicest meats in great abundance with little effort, and that of the most pleasurable and exciting nature. Bear abound in the sand hills, living on the sand cherries and hiding in the marshes. Sand cherries abound in great abundance, and for one whole half day we traveled over a continuous bed of them in their prime. They grow on a short, small twig of a bush, not over fifteen inches in length, and the fruit is about the size of a Catawba grape, growing so profusely that a handful can be taken at one time. They resemble the Catawba in color, the pulp being purple, very juicy, and quite as mild as most grapes, being quite acceptable to the palates of our party as well as to Mr. Bruin, the grizzly and emma-men.

At a distance of about one hundred and twenty miles we came to high buffalo grass land and streams flowing into White River. Roads are fair, pitch pine skirting the bluffs, small ravines and runs, and after about forty miles more travel we struck the White River, just north of Spotted Tail's Agency. Spot's people were quiet for Indians, though busily inquisitive when they detect white men in their country, and eager to know what "their business is."

After crossing the White River the country is very level west, and on to the base of the Black Hills west until you strike Wyoming, and northwest until you strike the Cheyenne, which flows at the very base of the Black Hills.

After we had established the boundary, a distance of 224 miles along the 43d parallel, Spotted Tail and Red Cloud's agencies were found to be located as follows: Spotted Tail 164 miles west from starting point, and about seventy-five rods south of the boundary. Red Cloud about one hundred and eighty miles west and twenty-five or thirty miles south



of the boundary, placing both agencies in Nebraska as now located, and south of the Black Hills about forty miles.

The land where the agencies are located has a high clay soil, furnishing buffalo grass and cactus, though good water, scrub pitch pine, with other timber. Game is abundant. The cactus are so thick that we could not wear the Indian moccasins, and they were sharp and strong enough to penetrate our thick leather shoes quite frequently, bothering our horses a great deal. This was characteristic of the country west of Spotted Tail's preserves.

When on the White River bluffs we could distinctly see Harney's Peak and the Black Hills, and when thirty miles out from Spot's we were near the Black Hills proper, and a two hours' ride would take you into the famous Black Hills country. It is a mistaken idea that the Black Hills are higher than the country east and south. In looking from the east and south you look over a high table of land until the Cheyenne River interrupts, dividing this table land from the Black Hills. This high land to the east and south is a high clay, grass rather poor, water both good and bad. But behold, as soon as your vision crosses the Cheyenne, you notice a marked change. Your first impression is that the land is burned prairie, with spots of grass left here and there. But on taking a second look you see that the blackened portion is heavy timber, and the reddish spots that of grass in the little "pockets," parks and valleys. I could distinctly see that the grass is the common red and blue joint. The timber, which in many places seems dense, appears to be pine in great part. Harney's Peak, and nearly all the highest peaks, appear much higher than the surrounding country, but the valleys, parks and lower land in the hills are much lower than on the outside.

Our party returned safely. Not annoyed at all by Indians. The cornerstone between Nebraska and Dakota, at the west, is 224 miles from the starting point on the Kcha Paha, and very near the head of a fork of the Cheyenne, which the military authorities call Hat Creek and the Indians Milk Creek. I have talked with the great Minneconjou chief, Tall Bull, who has just come down from the Missouri country at Cheyenne for the purpose of making peace.

GEO. OWENS.

#### JUDGE KIDDER'S DECISION SHOWING INDIAN CLAIMS INVALID

The decision of the Supreme Court of the territory, having federal jurisdiction, rendered by Judge Kidder in September, 1874, settled the question as to the status of the country north of the tract ceded by the Yanktons in 1858. The case was one wherein W. L. Belmont, Clark et al. were respondents and John C. Bates et al. appellants. The action against defendants was for taking and carrying away a stock of merchandise of the plaintiffs which was situated near the Northern Pacific Railroad on the west side of James River (Jamestown). Appealed from the First District.

The defendants admitted the taking and carrying away, and justified it upon the grounds that they were commissioned officers in the United States army and on duty at Fort Seward; that liquors constituted a part of the stock taken by them and had been introduced by the plaintiffs; and that the country where the store and the stock were situated was Indian country, and subject to the Indian intercourse laws.

In its decision, which covers the ground of the Laramie treaty of 1868, the court says:

By the second article of the Laramie treaty, made April 29, 1868, called the Sherman Treaty, between the Government and various bands of the Sioux Nation of Indians, including the Yanktonnais, it is stipulated that the "Indians henceforth relinquish all claims or right in and to any portion of the United States or territories except such as is embraced within the limits of this article, and described as follows: 'All land between low water mark on the east bank of the Missouri River and the 104th meridian, west from Greenwich; and bounded on the north by the forty-sixth parallel and south by the north line of Nebraska.'" Outside of these boundaries the Sioux ceded all claims to the soil east of the Missouri River; the effect of which was a surrender to the Government of all their claim to the land east of the Missouri and north of the Yankton Indian cession of 1858-59.

The land north of the Yankton cession had been held by the Yanktonnais tribe of Sioux, and together with the Chippewa tract adjoining Red River of the North, included all or nearly all of Northern Dakota east of the Missouri River. These treaties had no bearing on the small reservations on the east side of the Missouri that had been set apart for the Sissetons, Yanktons, Santees and Winnebagoes.

## CHAPTER LXXVI

### THE CENTENNIAL YEAR OF OUR COUNTRY'S INDEPENDENCE.

1876

CENTENNIAL YEAR OF INDEPENDENCE OF THE UNITED STATES—ARMSTRONG MAKES AN ADDRESS—SCHOOL STATISTICS—PRESIDENTIAL ELECTION—TERRITORIAL CONVENTION TO ELECT DELEGATES TO NATIONAL CONVENTION—A SECOND CONVENTION TO NOMINATE A CANDIDATE FOR DELEGATE TO CONGRESS—THE DEMOCRATS CONVENE AT YANKTON FOR THE SAME PURPOSE—HAYES, REPUBLICAN, AND TILDEN, DEMOCRAT, WERE OPPOSING CANDIDATES FOR PRESIDENT—HAYES ELECTED—KIDDER, REPUBLICAN, AND SPINK, DEMOCRAT, WERE OPPOSING CANDIDATES FOR DELEGATE—KIDDER ELECTED—GOVERNMENT TO IMPROVE RED RIVER—GRASS-HOPPER CONVENTION AT OMAHA—LARGE IMMIGRATION TO BLACK HILLS IN SPITE OF MILITARY OPPOSITION.

Governor Pennington, by proclamation issued March 6, 1876, appointed Hon. S. L. Spink, Hon. George H. Hand, Gen. W. H. H. Beadle, Hon. M. K. Armstrong and Hon. F. J. Cross as a commission to prepare and deliver addresses at the Centennial Exposition on the following subjects: "History and growth of Dakota in wealth, population, manufacturing, agriculture, mining and live stock." This was in accordance with an invitation from the board of managers of the exposition. There is no record of any addresses having been given at the great fair by the speakers appointed, but the territory was officially represented during the exposition, in part, by Hon. M. K. Armstrong, the ex-delegate in Congress; and Dakota being then a frontier territory, the theatre of Indian troubles that attracted the attention of the entire country chiefly from the unprecedented battle of the Little Big Horn which resulted in the slaughter of General Custer and four companies of his famous Seventh Cavalry Regiment. It was therefore deemed wise and timely that an effort should be made to counteract a false impression that was gaining a place in the public mind concerning the material conditions of the territory; that they were not menaced by these disturbances; that they were prosperous, and the white settlements far removed from the regions of actual warfare, were perfectly safe, and their prosperity undisturbed by the Indians. A statement was therefore carefully prepared and generally circulated among the visitors at the exposition under Mr. Armstrong's immediate supervision, and was also extensively used by the ladies and gentlemen in charge of the Dakota exhibit, which was among the best of the territorial exhibits, showing the progress the territory had made during the fifteen years that had elapsed since its organization. The statistical portion of the statement is here reproduced:

#### DAKOTA'S CENTENNIAL ADDRESS

In this Centennial year of 1876 we find Dakota emerging from her past checkered history of frontier wars and pioneer settlements, possessing a population of 50,000 inhabitants, with a taxable wealth of \$12,500,000, aside from a rich domain of 62,000,000 acres of un-occupied



pied lands and 25,000 Indians, the great majority of whom are peaceably disposed and are rapidly being settled upon permanent reservations, where they are being instructed in the customs of a civilized people and in such pastoral and agricultural industries as they can easily perform and which will result, within a reasonable period, in placing them in a self-supporting situation. The present Indian troubles are confined mainly to the mountain districts of neighboring territories, hundreds of miles removed from the settled frontier of Dakota, and affect its industries and advancement as little as they do those of the great State of Pennsylvania, and create no alarm whatever.

We can well predict the future of this great territory when we glance back through forty-odd years of wilderness and find the wild wolf howling in the present streets of Chicago, and the red savage bounding upon the chase through his native forests in Wisconsin and Iowa. We have only to reflect that hardly ten years have elapsed since the first railroad found its way across the great West to the Pacific Coast, traversing the present States of Western Iowa, Nebraska and Colorado, which less than twenty years ago were declared by a great statesman in Congress to be unfit for settlement.

Only three years ago the first train of cars steamed into the Territory of Dakota; now there are 301 miles of running railroad in the territory, connecting with more than one thousand miles of navigable rivers. There are also 640 miles of telegraph lines in operation, and 2,450 miles of running mail routes, supplying 150 rural postoffices. There are seventeen newspapers published in the territory. Twenty-seven flourishing villages, aside from fourteen military posts and ten Indian agencies. The inhabitants are intelligent and enterprising, and have established churches and free schools in every organized county. There are 72 Sabbath schools, with 3,418 pupils, and 218 district free schools, with 8,343 scholars, in the territory. The taxes of the people are moderate, and the public lands are free to all under the homestead laws of Congress, and can be selected and located at five different United States district land offices in the territory. The population and wealth of the Black Hills district are not included in these statistics; but it is estimated that they have already a population of about seven thousand, although no relinquishment of the Indian title has yet been secured. However, the Indians have consented to grant a quit-claim of their title and the formal conclusion of a treaty is looked for before the doors of this splendid exposition of the accomplishments of our nation during the first century of its marvelous career shall be finally closed.

#### SCHOOL STATISTICS

The condition of the common schools in the territory in the centennial year appears in the report of Hon. J. J. McIntyre, territorial superintendent of public instruction, giving statistics made up on the last day of August of that year, as follows:

##### SUMMARY

Number of children reported over six and under twenty-one years of age.....	9,592
Number of male children reported over five and under twenty-one years of age....	4,811
Number of female children reported over five and under twenty-one years of age...	4,781
Number of children enrolled in school.....	4,784
Number not enrolled in school.....	4,808
Number of schoolhouses, as far as reported.....	208
Number of teachers employed.....	257
Number of male teachers employed.....	84
Number of female teachers employed.....	173
Number of organized districts.....	327
Amount received from county tax.....	\$13,026.40
Amount received from district tax.....	19,396.39
Total amount raised for school purposes.....	32,472.79
Total amount expended for school purposes.....	32,804.29
Total amount of school property reported.....	32,978.52

The superintendent stated that not over two-thirds of the amount of school property was reported, as several counties having good schoolhouses gave no report of their valuation. Only a part reported the amount paid teachers, and a part the amount of cost per capita; therefore he had not included these items in his report.

#### POLITICAL CONVENTIONS

The year 1876 being a presidential election year with the important incident of a world's fair, named the Centennial Exposition (the first centennial of the young republic), there was an unusual interest taken in national as well as territorial political affairs. The National Republican Convention was held at Cincin-



HON. CLARK WEST  
Yankton County pioneer of 1868



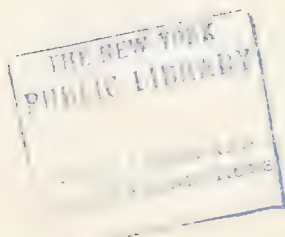
HON. JOHN LAWRENCE  
Sioux Falls pioneer of 1860



HON. ALEXANDER MCHENCH  
Cass County pioneer of 1872



HON. BENTON FRAILY  
Bon Homme County pioneer of 1867



nati, Ohio, in May, and as the territory was entitled to two delegates and two alternates, the republicans of the territory held a convention at Yankton on the 24th of May for the purpose of selecting them.

The convention was called to order by George H. Hand, chairman of the committee. J. A. Wallace, of Union County, was elected chairman of the convention, and L. D. F. Poore, of Bon Homme County, secretary. The Credentials committee consisted of John L. Jolley, of Clay; E. A. Williams, of Burleigh; G. P. Bennett, of Union; George H. Hand, of Yankton; and G. W. Harlan, of Turner. The Committee on Permanent Organization was composed of N. J. Cramer, of Yankton; J. M. Washburne, of Minnehaha; J. J. McIntyre, of Turner; W. W. Benedict, of Bon Homme; and R. M. Rasmussen, of Clay.

The Committee on Credentials found the following named entitled to seats in the convention:

Armstrong County, William Lehnard; Bon Homme County, A. J. Mills, W. W. Benedict, W. C. Grant, C. T. McCoy; Brookings, Buffalo and Barnes counties were not represented; Burleigh County, E. A. Williams, R. D. Ironwings, David Stewart, William Woods, M. Francis, George P. Flannery, John A. Stoyell; Brule County, M. H. Somers, proxy to J. L. Turner; Charles Mix County, Foster J. Wheeler, L. D. F. Poore; Cass County, proxy to W. H. H. Beadle, James S. Stark (proxy to G. W. Kingsbury), A. J. Howard (proxy to G. C. Moody), E. S. Tyler, J. Lowell, Jr., A. Plummer (proxy to G. W. Kingsbury); Clay County, A. J. Smith, W. J. Morgan, James Curtiss, Nels Hanson, George Morbeck, G. W. Woodworth, S. A. Ufford, H. A. Copeland, R. M. Rasmussen, John L. Jolley; Hanson County, John J. Lowell; Grand Forks County, O. S. Frumore, James Elton (proxy to Judson LaMoire); Grant, Hutchinson and Moody counties, not represented; Hanson County, M. T. Woolley, with two votes; Lake County, J. S. Smith; Lincoln County, G. W. Harlan, M. E. Holter, R. R. Moore, E. W. Owens, John Falde, M. W. Bailey, Ole Helvig, H. H. DeLong, A. O. Hubbard, C. A. Smith; Minnehaha County, J. M. Washburne, R. S. Alexander, E. A. Sherman, R. F. Pettigrew, L. Bothun, W. F. Kiter, Joseph Storm, John O. Walker; Pembina County, Charles Bottineau, Charles Cavalier, George W. Reed, Judson LaMoire (proxy to George H. Hand); Richland County, M. T. Rich, S. Stiles, A. Chizik, J. W. Blanding (proxy to W. H. H. Beadle); Stutsman County, George W. Kingsbury (proxy); Sully County, not represented; Turner County, Alfred Flagg, J. J. McIntyre, J. A. Childs, J. S. Williams; Traill County, Thomas Watts and Asa Sargent (proxy to G. C. Moody), county only entitled to one vote; Union County, George H. Freeman, G. P. Bennett, J. A. Wallace, W. McK. Cain, E. W. Laird, John Dahl, Ole Holthe, Martin Munsan, John Clementson, Jas. M. Adams, Lars Larson; Yankton County, A. L. Van Osdel, Louis Sampson, A. Simonsen, Daniel Shearer, J. R. Hanson, George H. Hand, T. W. Brisbane, N. J. Cramer, Fred Schnauber, E. Miner, John Lawrence.

A permanent organization was then effected by the selection of R. S. Alexander, of Minnehaha County, as president, and L. D. F. Poore as secretary.

The convention then proceeded to ballot for delegates to the national convention. The first ballot was an informal one, and resulted as follows: Alexander Hughes, of Union, 47½ votes; John Lawrence, of Yankton, 18 votes; John A. Stoyell, of Burleigh County, 20½ votes; L. D. F. Poore, 19 votes; J. P. Kidder, 34 votes; W. H. H. Beadle, 1½ votes; J. Lamoure, 5 votes; George H. Hand, 7½ votes; J. J. McIntyre, 12 votes.

A formal ballot was then taken, resulting as follows: Alexander Hughes, 48; J. P. Kidder, 40. Hughes was declared elected as one of the delegates, and a separate ballot being taken for the election of the second delegate, Alexander McHenry, of Cass County, received 50 votes, and was declared elected.

The vote for alternates resulted in the selection of George H. Hand, of Yankton, 62, and G. P. Flannery, of Bismarck, 53.

The convention then adjourned.



## CONVENTION TO NOMINATE A CANDIDATE FOR CONGRESS

A second territorial republican convention was held in August following to nominate a candidate for delegate to Congress. The convention was held at Vermillion. Judge Kidder was the sitting delegate and a candidate for renomination.

The proceedings of the convention follow:

Pursuant to call, the delegates to the republican territorial convention assembled at the courthouse in Vermillion, August 24, 1876, and were called to order by George H. Hand, chairman of the territorial committee, who nominated Mark W. Bailey, of Lincoln County, for temporary chairman, who was duly elected. E. W. Laird, of Union County, was chosen temporary secretary.

The chair then, on motion, appointed the following committees:

On Credentials—A. F. Shaw, A. H. Barnes, G. C. Moody, John A. Stoyell, W. M. Cuppett, John L. Turner, E. B. Dawson.

On Permanent Organization—C. A. Lounsberry, J. A. Wallace, W. P. Dewey, Melvin Grigsby, C. B. Valentine, B. F. Campbell, T. S. Clarkson.

On Resolutions—George W. Kingsbury, W. H. H. Tate, E. B. Chambers, A. S. Jones, C. C. Spaid, M. D. Thompson, R. F. Pettigrew.

At the afternoon session the Committee on Credentials reported as follows, finding the following named persons entitled to seats in the convention:

Armstrong County, J. H. Burdick; Bon Homme County, John L. Turner, A. F. McCauley, D. P. Bradford, Charles T. McCoy; Brookings County, James Hauxhurst (by B. F. Campbell, proxy); Buffalo County, no credentials; Barnes County, G. G. Beardsley; Burleigh County, John A. Stoyell, Peter Manton, George P. Flannery, A. Gates, C. A. Lounsberry, N. F. Douglas, Robert McNider; Brule County, no credentials; Black Hills, R. D. Jennings, C. C. Spaid, E. L. Moon; Charles Mix County, T. S. Clarkson; Cass County, Peter Seims, L. C. Roberts, E. B. Chambers, J. E. Haggart, M. O. Haxom, E. S. Tyler; Clay County, John Hoyer, Philip Chandler, Nelson Miner, H. H. Vinton, E. B. Dawson, M. J. Talbot, E. W. Robbins, O. Oleson, William Sponage, M. D. Thompson, Hans Gunderson; Davison County, John Head (W. P. Dewey, proxy); Grand Forks County, Walter J. S. Trail, M. L. McCormick (by A. H. Barnes, their proxy); Grant County, no credentials; Hanson County, T. R. Kershaw; Hutchinson County, Thomas Maxwell, A. Sheridan Jones; Lake County, H. N. Luce (by R. F. Pettigrew, proxy); Lincoln County, J. S. Sands, John Falde, H. D. Fitch, William M. Cuppett, H. B. Hermanson, M. J. Hoogboom, A. O. Hibbund, M. W. Bailey, P. C. Parker, M. L. Dick; Minnehaha County, Amos F. Shaw, R. F. Pettigrew, B. F. Campbell, Thomas H. Brown, J. F. Roberts, M. L. Wood, C. Wilkinson, J. R. Richardson; Moody County, M. D. L. Pettigrew (by R. F. Pettigrew, proxy); Pembina County, Judson Lamoure, C. Cavalier (by A. H. Barnes, proxy), William Camp (by M. Grigsby, proxy), Joseph Daniels (by George W. Kingsbury, proxy); Richland County, M. T. Rich, R. Keating, William Root (by E. B. Chambers, their proxy), J. W. Blanding (William H. H. Beadle, his proxy); Stutsman County, George G. Beardsley; Sully County, no credentials; Traill County, Asa Sargent (by A. H. Barnes, proxy); Turner County, C. B. Valentine, Marshall E. Stewart, John Turnbull; Union County, James Adams, A. B. Parker, John Tucker, J. A. Wallace, E. W. Laird, W. H. H. Fate, John Dahl, Gilbert Larson, Duncan Ross, M. B. Quint, W. Duncan, M. B. Kent; Yankton County, Ole Sampson, Clark West, Erick Iverson, Daniel Wilcox, William P. Dewey, G. C. Moody, William Powers, John Lawrence, J. R. Hanson, G. A. Wetter, Herman Ellermann.

The report was adopted and the committee discharged.

Colonel Lounsberry, from the Committee on Permanent Organization, reported the following:

For president, Mark W. Bailey, of Lincoln County; for vice presidents, A. F. McCauley of Bon Homme, A. F. Shaw of Minnehaha, Daniel Wilcox of

Yankton; secretaries, E. W. Laird of Union County, George W. Beardsley of Stutsman County.

The report was adopted.

The Committee on Resolutions made the following report:

Resolved, That we renew our allegiance to the principles of the national republican party, which continues to maintain its position as the true friend of free government and the defender of its integrity; which embodies the great underlying principles upon which our Government is based, the preservation of which, unimpaired, insures the perpetuity of free institutions and the happiness and prosperity of the people.

Resolved, That we cordially indorse the action of the national republican convention at Cincinnati in selecting Hayes and Wheeler as the standard bearers of the great party of freedom.

Resolved, That we acknowledge with pride and satisfaction the valuable public services of our delegate to Congress, Hon. J. P. Kidder, and assure him of our continued confidence and esteem.

Resolved, That the interests of the people of Dakota demand the creation and organization of a separate territorial government for the northern portion of the territory, and we most earnestly urge upon the House of Representatives, at its coming session, to second the action of the Senate in passing the bill to organize the Territory of Pembina.

Resolved, That the early opening of the Black Hills of Dakota, to legal settlement and occupation, is demanded by every consideration of right and justice; that we have the greatest confidence in the great natural wealth of that section, believing its mineral deposits to be of the most valuable and extensive character, insuring profitable and permanent employment to thousands of industrious citizens, and furnishing a section where all the arts of civilization will find abundant room for employment.

The resolutions were adopted.

The convention then proceeded to an informal ballot for a candidate for delegate to Congress, resulting in seventy-five votes for J. P. Kidder and twenty-two votes for Alexander Hughes, of Union County, all the counties voting for Kidder except Yankton and Union.

A formal ballot was then taken, which gave to J. P. Kidder the votes of the following counties: Armstrong, 1; Bon Homme, 4; Brookings, 1; Barnes, 1; Burleigh, 7; Black Hills, 3; Clay, 11; Davison, 1; Grand Forks, 2; Hutchinson, 2; Lake, 1; Lincoln, 10; Minnehaha, 8; Moody, 1; Pembina, 4; Stutsman, 1; Traill, 1; Richland, 4; Turner, 4; Yankton, 11; Charles Mix, 1; Cass, 6; Hanson, 1. Total, 86.

Alexander Hughes, of Union, received the eleven votes of Union County.

The counties of Grant, Buffalo, Brule and Sully, which were organized at that time and were named in the call, were not represented in the convention.

Judge Kidder, being formally notified of his nomination, appeared before the convention and made a brief speech of acceptance.

The following nominations of territorial officers were then made: For superintendent of public instruction, W. E. Caton, of Union County; for superintendent of immigration, Fred J. Cross, of Minnehaha; for commissioner of immigration, James Holes, of Cass County; for territorial treasurer, E. A. Sherman, of Minnehaha; for territorial auditor, John S. Sands, of Lincoln County.

The convention then elected G. C. Moody chairman of the territorial central committee, and the following named were elected members of the same committee: C. A. Lounsberry, of Burleigh; E. B. Chambers, of Cass; L. D. E. Poore, of Bon Homme; John Head, of Davison; George H. Hand, of Yankton; Mark W. Bailey, of Lincoln; Alexander Hughes, of Union.

The convention then adjourned.

#### DEMOCRATIC TERRITORIAL CONVENTION

The democratic territorial convention was convened at Yankton in July, when the following proceedings were had:

The counties named in the call for this convention and the number of delegates assigned to each county were as follows:

Armstrong, 2; Bon Homme, 6; Brookings, 1; Barnes, 1; Burleigh, 5; Brule, 2; Charles Mix, 2; Cass, 4; Clay, 11; Davison, 1; Grand Forks, 2; Grant, 1;

Hanson, 2; Hutchinson, 2; Lake, 1; Lincoln, 10; Minnehaha, 6; Moody, 1; Pembina, 4; Stutsman, 1; Sully, 1; Turner, 4; Traill, 7; Union, 21; Yankton, 11. Total, 103.

The convention met at Yankton on the 6th of July, 1876, for the purpose of nominating a candidate for delegate to Congress and candidates for territorial offices. Dr. J. B. Van Velsor, of Yankton, was elected chairman, and Dr. J. F. Richmond, of Bon Homme, and Franklin Taylor, of Clay, secretaries. Abe Boynton of Lincoln, E. G. Armstrong of Bon Homme, H. C. Greene of Davison, F. M. Zeibach of Yankton, J. G. Botsford of Clay, George Stickney of Union, and M. S. Robinson of Turner were appointed a committee on credentials.

F. M. Zeibach of Yankton, George W. Kellogg of Union, M. Robbins of Clay, Barney Cole of Bon Homme, J. W. Turner of Turner, H. C. Greene of Davison, and Charles Berry of Lincoln were appointed a committee on resolutions.

J. R. Sanborn of Yankton, J. Kiplinger of Union, T. J. Sloan of Clay, Theodore Johnson of Turner, John Judas of Lincoln, H. C. Greene of Davison, and Thomas B. Eagle of Bon Homme were appointed a committee on permanent organization.

After a recess the Committee on Credentials reported sixty-five delegates present and entitled to votes in the convention.

The Committee on Permanent Organization reported in favor of Dr. J. P. Richmond, of Bon Homme, for chairman, and C. J. B. Harris, of Yankton, for secretary. The report was adopted.

The Committee on Resolutions presented the following report:

Resolved, That we cordially indorse and approve the platform and nominees of the national democratic convention, which assembled in the City of St. Louis on the 27th of June last.

Resolved, That in the nomination of the two distinguished statesmen, Samuel J. Tilden and Thomas A. Hendricks, for the offices of President and vice president of the United States by that convention it has given to the people ample assurance that the vices and corruption of the present administration will not be tolerated under democratic rule.

Resolved, That the practice of republican administrations of importing party favorites from the states to fill the Federal offices in the territories is in the highest degree detrimental to the best interests of the people of such territories, and we here announce as one of the cardinal doctrines of our creed that all the offices in the several territories should be filled from the citizens resident therein.

Resolved, That the course of President Grant in endeavoring to force emigrants to the Black Hills of Dakota to pass over the circuitous and barren routes from points on the Union Pacific Railroad, instead of the nearer and more desirable ones through Dakota, meets with our earnest condemnation and shows an utter disregard of our rights and interests on the part of the present administration, which should meet with prompt rebuke at the polls next November.

Resolved, That in our judgment it is the duty of the Congress of the United States to take measures at once to extinguish the pretended Indian title, and open up to white settlement the rich mineral, timber and agricultural land of what is known as the Black Hills of Western Dakota.

Resolved, That the policy adopted by the present administration towards the Indians of the western territories is radically wrong, and has borne its legitimate fruit in materially retarding the growth and prosperity of the West, and in encouraging the butchery of our men, women and children.

Resolved, That the policy of the Government should be active, unceasing and unsparing warfare against all hostile tribes until they are reduced to such condition that no fears of future atrocities need be apprehended on the part of the remotest settlers upon our frontiers.

Resolved, That we earnestly favor the organization of a new territory out of the northern part of Dakota, and that such organization will largely tend to enhance the interests of the people of both sections.

Resolved, That we hereby extend to all voters in the Territory of Dakota, who indorse the sentiments set forth in the foregoing resolutions, a cordial invitation to unite with us in the support of the ticket this day nominated.

The resolutions were unanimously adopted.

The next business being the nomination of candidates, G. W. Kellogg moved that the two-thirds rule govern in all nominations.



Barney Cole, of Bon Homme, moved to amend by substituting that a majority vote shall nominate. Mr. Cole's motion prevailed.

An informal ballot for a candidate for delegate to Congress was then taken with the following result: S. L. Spink, 27 votes; U. W. Weston, 13; F. M. Ziebach, 10; H. S. Back, 7; Bartlett Fripp, 2; D. N. Inman, 1. A formal ballot was then had, which resulted: S. L. Spink, 42; U. W. Weston, 11; F. M. Ziebach, 12. Mr. Spink, having received a majority of all the votes, was declared the nominee of the convention for delegate to Congress.

The convention then proceeded and nominated the following candidates for territorial offices by acclamation: Territorial treasurer, J. L. Fisher, of Clay County; territorial auditor, Charles Berry, of Lincoln County; superintendent of immigration, Joseph Zitka, of Bon Homme County; commissioner of immigration, H. S. Back, of Cass County; superintendent of public instruction, E. W. Miller, of Union County.

The following Territorial Central Committee was then appointed: Yankton County, F. M. Ziebach; Union County, E. W. Miller; Clay County, T. J. Sloan; Turner County, J. W. Turner; Lincoln County, Abe Boynton; Bon Homme County, S. Simpson; Hanson County, F. B. Foster; Minnehaha County, Charles K. Howard; Brule County, M. H. Day; Stutsman County, D. M. Kelliher; Davison County, A. J. McDonald; Cass County, George Engle.

Mr. Spink was then introduced and made a brief speech accepting the nomination, whereupon the convention adjourned sine die.

After adjournment the central committee met and elected F. M. Ziebach chairman.

Interest in the election was largely modified by the proceedings incident to the opening of the Black Hills then in progress, and the unusual temper of the public mind caused by the wholesale slaughter of Custer and his troops at Little Big Horn. Mr. Spink made an energetic and creditable canvass of the territory, and being an able speaker, was able to draw the attention of many thousands of voters, but he failed to draw away from the republicans or make any break whatever in the republican columns, so that Judge Kidder received a very satisfactory endorsement, and was re-elected.

The election occurred on Tuesday, November 7th, not only in Dakota, but throughout the nation. The early reports indicated a close vote for President, both sides claiming it, the local democrats feeling so secure that they celebrated their victory by a torchlight procession. A long contest ensued as to whether Hayes or Tilden had won, Louisiana being the disputed state, which was finally given to Hayes by an electoral commission.

In the territory the republicans elected their ticket, Kidder having a majority over Spink of 3,682 in a total vote of 8,572. The official canvass gave the following figures by counties. The Black Hills had not been organized and did not participate in the election. It was estimated that there was a population of eight or ten thousand in the hills during the year 1876.

## OFFICIAL VOTE BY COUNTIES

Name of County	Kidder	Spink
Armstrong .....	9	66
Butte .....	217	282
Barnes .....	50	
Bon Homme .....	450	183
Brule .....		17
Brookings .....	74	2
Clay .....	720	143
Cass .....	200	74
Charles Mix .....	20	40
Davison .....	15	9
Grand Forks .....	120	4
Hutchinson .....	134	41
Hanson .....	34	4



Lincoln	736	147
Lake	32	15
Minnehaha	795	75
Moody	136	17
Pembina	187	20
Richland	126	4
Stutsman	77	79
Sully	148	12
Turner	265	71
Trail	115	46
Union	790	484
Yankton	757	645
Totals	6,127	2,485

Fred J. Cross was elected superintendent of immigration; W. S. Holles, commissioner of immigration; John Sands, territorial auditor, and E. A. Sherman, territorial treasurer, the republicans making a clean sweep.

#### THE GRASSHOPPER PLAGUE OF 1876

Grasshoppers, or the seventeen-year locusts, had committed serious depredations upon the crops of the farmers of the Northwest during the years 1874, 1875 and 1876, and one consequence of the calamity was that in certain sections of the farming districts in a number of northwestern states the farmers had become so reduced in their possessions that many of them had applied to the counties for assistance. Others had appealed to their eastern friends for relief, and in other cases relief associations were organized in order to ascertain the extent of the suffering and devise means for relief. The plague continuing through so many consecutive years and being so widespread, it was finally deemed expedient to call a convention of the governors of the several states most seriously afflicted, to devise measures for relief and also to investigate and, if possible, discover some remedy for the scourge, which it was apprehended might result in the depopulation of some sections, and in all probability would have a deterrent effect upon immigration. Accordingly an interstate convention was held at Omaha, Neb., one of the states that had lost heavily, commencing on the 26th of October, 1876, which was attended by the governor of Dakota Territory (John L. Pennington), Governor Pillsbury of Minnesota, Governor Kirkwood of Iowa, Governor Osborne of Nebraska, Governor Hardin of Missouri, and Professors Riley, Williams, Thomas and Wilbur, and continued in session four days. The relief remedies suggested were altogether such as applied to the destruction of the young grasshoppers and the eggs deposited by the invading armies during the fall and spring preceding hatching.

Governor Pennington of Dakota could suggest nothing in the way of a remedy. He said he—

Had little confidence in any physical means of destruction. In the quantities in which they came into Dakota, piling inches deep on the ground, on the houses and trees, so thick that horses would hardly go through them, and even interfering with the running of railroad trains, they were too numerous to be caught in any kind of traps and killed. He thought best to encourage the growth of crops which could be grown and gathered in spite of the plague. Some men in Dakota said that the hoppers had always been there, and others that they were a new thing. From my own knowledge, for three years back, they had them every year. In July, 1874, he had never seen a better prospect for a corn crop than we had that year; but in the section from Yankton to Sioux City the corn was wholly and absolutely destroyed, and not a bushel was gathered for sixty miles. There was nothing left but part of the stalk. Nevertheless, the farmers had made a good crop of wheat, oats and potatoes. He was satisfied that the people of Dakota could prosper, even though the hoppers came every year, by planting only such grains as would be matured before the pests came.

The moral effect has been worse than anything else. The territory has been damaged ten times more by the panic than by the grasshoppers. Newspapers and other frightened people have done more harm than good by applying for aid in the East. He had stood out in 1874 as long as possible against the appeal for alms. The people who come to our territory are, as

a rule, poor, and they need help anyhow; but the people of the territory were able to succor their own destitute farmers without outside aid. In 1874, after all the harm had been done and we had received the paltry sum of five or six thousand dollars, there were hundreds of thousands of bushels of surplus grain shipped out of Southern Dakota to Chicago. We are able to take care of our own.

In 1875 the hoppers were just as numerous as before, coming from the northwest and going southeast, but none came down, and I don't know of \$10 damage being done. We had the biggest crops ever known.

Professor Riley asked whether they were not going in an opposite direction from those of 1874?

Governor Pennington replied:

No, they always go the same way. This year the damage to the wheat crop would not be 5 per cent, and the crop is very good. The farmers have gathered good crops of wheat, oats, and everything but corn, which varied from one-fourth to one-half a crop. By fall-breaking and early seeding, in the spring, wheat could be wholly saved without damage, and one object of this convention, I understand, was to reassure the people. The people of Dakota can feed themselves and the grasshoppers, too, and yet grow rich. In Dakota the grasshoppers were all foreigners, not natives, coming there full grown, and our people have had no experience with those that have just been hatched out. Our grasshoppers would eat the tops off the potatoes in the ground.

In regard to asking aid of the Government, the governor said:

I was rather disposed to be modest in my requests, the territory having a population of only 5,000, and being a ward of the Government. I believe the general Government might at least appoint a commission to investigate the subject. But I am not in favor of petitioning for the relief, as it will demoralize the people and make mendicancy honorable among some classes. My advice is for fall sowing and early sowing, relying on small grain crops, and our farmers could thus make a living until the scourge wears itself away.

When the governor made this address he was unaware of the damage done in the spring by the young hoppers hatched from the billions of eggs deposited in the plowed ground the season before. The very crops he recommends as season-proof against the insects were those certain to be totally destroyed by the infant insects before they obtained wings. When their wings came they flew to other lands, but by that time they had eaten off the young wheat and oats, leaving the later corn to be devoured by the full grown myriads who came later from the Northwest. It had been discovered that the only remedy the farmer had lay in discovering the nests in which the eggs were deposited and destroying the eggs, which were deposited in clusters similar in shape and abundance to a bunch of bananas, and from one to two inches in length, containing from twenty five to forty eggs. This was done by pouring in coal oil and igniting it. The young hoppers were treated to a similar means of destruction, which proved effective. A shallow ditch was excavated in one end of the infected field (the eggs were invariably deposited in plowed ground), the young hoppers were then driven, beginning at the other end of the field, as you would drive a flock of ducks, the entire family and the neighbors being gathered together for that purpose, forming a file of destroyers armed with long brush, from one side of the field to the other. This column would then move forward toward the ditch in marching order, swaying their brush as they advanced, but maintaining as a rule a discreet silence. The little insects would hop before them toward their doom in the ditch, increasing in numbers as the procession moved forward, and finally landing in the ditch from which they could not escape; but to make assurance doubly sure a limited quantity of coal oil was then poured into the ditch, which was ignited, and the surrounding atmosphere for a time was heavy with the unfragrant odors of the burning insects. When this was intelligently and thoroughly done in time, the field operated upon was morally certain of producing a good crop in case the season proved favorable. The plague was not repeated in 1877, and at no time since has it visited the territory except occasionally in very limited areas. Eggs were hatched in 1877 as early as January, in localities where the sun had warmed and thawed the soil.

## TO IMPROVE RED RIVER

An earnest effort was made by the settlers of the Red River Valley early in 1876 to induce Congress to make an appropriation to improve the channel of the stream, particularly that portion known as Goose Rapids, and an appropriation of \$22,000 was asked for this purpose. From a statement that was included in the petition it was learned that during the season of 1875 the commerce of the river had been sufficient to justify the Government in appropriating the money needed for the work proposed. It was shown that there were nearly forty-nine million pounds of freight carried by seven steamboats and ten barges; over twenty-four thousand tons. There were also 7,690 passengers carried during the same season. This business had nearly all grown up since 1870 when one steamer was sufficient to meet the demands for transportation. The petition stated that the river was navigable for 550 miles—350 in the United States and 150 in Manitoba. This distance included the winding of the stream, and as much of this commerce was carried into Manitoba, it was urged that the Red River would lose it upon the completion of the Canadian Pacific Railroad to Winnipeg, then in process of building, unless the channel of the Red was so improved that steamboats could successfully compete for the carrying trade; and the manufacturing industries of the United States would be shut off from much of the rapidly growing business of that country owing to our inability to compete for the carrying trade.

## IMMIGRATION

There was considerable immigration to the counties along the Red River Valley, and along the Northern Pacific Railroad from Fargo to Bismarck, in 1876, and also to the counties of Turner, Hanson, Hutchinson and the Firesteel Valley where the new Black Hills route had been laid from the James River to the Missouri at Crow Creek. It was observed that while there was a large emigration towards the hills shortly after the opening of 1876, an unexpectedly large number returned in the fall, complaining that the gold regions were overstocked with prospectors. As an illustration of the rush to the hills, we find that the number in the Deadwood region in the winter or spring of 1876 could not have exceeded fifty people, and by the Fourth of July following, at a celebration that occurred at the new Deadwood camp, there were estimated to be as many as five thousand in Deadwood. There were as many more scattered through the central and southern hills, which would justify the claim of ten thousand for the entire gold region.

## SIOUX FALLS, MODERN

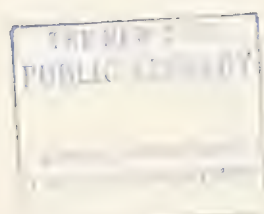
Sioux Falls is the most promising city in the territory, and bids fair to hold the lead until some development of the commercial interests of the Northwest shall demand a great central city on the Missouri River, which the sagacious and optimistic citizen believes may come about with the increase of population resulting in manifold larger production of the fruits of the farm, and the revival of steamboat transportation on the Missouri River. Until then it would seem that aided by its natural resources with a network of railroads connecting it with the great grain and live stock regions of the West and with the leading markets East, Sioux Falls must maintain the lead it has already secured. This may not be altogether due to the superior intelligence, public spirit and enterprise of its citizens, though in respect to these qualifications it has had from its earliest settlement the benefit of a community of broad-minded intelligent men who were able to fully appreciate the splendid substantial resources within and environing the locality selected for building the city; resources not shared to the same extent by any other locality in the territory, and by very few in the Northwest. A similar statement, in a modified form, may be made of Minnehaha County, in which Sioux Falls is situated. Its earliest history is less a type of the early settlement of west-



DR. MELANCTHON HOYT

First resident citizen clergyman to settle in Dakota Territory.  
Settled at Yankton in 1862.





ern towns for the past fifty years, than of the more remote struggles of the pioneers of Kentucky, Indiana and Illinois, those perilous periods when the war whoop of the savage was not an unfamiliar cry to the adventurous settler. The site of Sioux Falls was a favorite resort of the Sioux Indians from the earliest period of the exploration of the country; it is mentioned as such and for its wonderful cataracts, by Lewis and Clark, who learned of it when passing the mouth of the Big Sioux River in 1804, on their way to the Pacific. Dorian, their Sioux interpreter, gave them an account of it. These Indians held it in as great esteem and value as that of the Black Hills and were as reluctant to yield it, contesting its possession for many years after their tribes had ceded it to the United States. The first Sioux Falls village gave way, after a stubborn resistance against considerable odds, and was abandoned, including the slight settlement which had been attempted outside the village, and for some years thereafter was practically closed against immigration; the site of the village and a reservation of seventy sections of land surrounding, being withdrawn from settlement by the Government and occupied by a military post. The lands were restored to the public domain in 1860, the post abandoned by troops, and the fort and auxiliary structures became the first improvements of the future city. Then the earlier pioneers returned, and were quickly joined by scores of others, whose names and works have since figured prominently and successfully in the political, professional and commercial history of the territory. (By which we are reminded that the Daniel Boone's of our communities are the men of might and valor who usually retain the leadership in a community while health and life permit them to hold and use it.)

The people who settled in Sioux Falls the second time, or rather the settlers of the modern city, came in on horseback and in prairie schooners, while some patronized the line so well known to the ancients, carrying their own baggage suspended to a stout stick thrown over their shoulder. The distance to Sioux City was 110 miles; this was the nearest market point until the Dakota Southern was extended to Yankton, and the Sioux City & Pembina Railroad was extended to Portlandville, Iowa, which shortened the wagon hauling twenty miles. But the Sioux Falls pioneers were early possessed of an ambition to make a market town at home; and with this creditable purpose in view are found assembled in Allen's Hall one August evening in 1874, to discuss the railroad question. The hall was comfortably filled, and every auditor was in favor of a railroad, in fact the sentiment, as disclosed by a number of stirring speeches, was that Sioux Falls could never get beyond the village condition without one, and a resolution was adopted at the close of the meeting proposing

That the Town of Sioux Falls and Minnehaha County will donate to the first railroad that is completed to this place \$50,000, provided said railroad reaches Sioux Falls by the 1st day of November, 1876.

This bait did not get a bite; but the railroad question remained at the forefront, and a year passed without any substantial headway being gained, except as it served to increase population and intensify public sentiment.

The next public meeting was held in the same hall on November 2, 1875. There were 200 prominent citizens of the county at the meeting, which organized by electing Melvin Grigsby chairman and C. W. McDonald secretary. The chairman made the initial address and appears to have about exhausted the subject, as no other complete review of the situation was attempted. The chairman stated in substance:

With a young population of but 624, resources undeveloped, wealthy only in the possibilities of the future, Minnehaha County cannot expect any man or any body or men to build a railroad to Sioux Falls for no other consideration than the profits of the investment. It would probably take \$1,200,000 to build, equip and put in working order a railroad from Sioux Falls to any railroad point, and in order for such a road to pay 10 per cent per annum, net, on the investment, the road must earn \$40 per day over and above all expenses. Any man of sense knows that a railroad from Sioux Falls to any railroad point

could not clear \$400 per day for at least the first two years after its construction, consequently we cannot expect a railroad to Minnehaha County prior to the time that such a road would be a paying institution, unless we are willing to reimburse the builders of such road for the loss they would sustain in operating such road until it did become a self-sustaining enterprise.

Wicker, Meckling & Company offer to guarantee a road to Sioux Falls within one year from January next if Minnehaha County will raise \$100,000 toward paying for it. One hundred thousand dollars seems at first thought an enormous sum for a county with at present only 73,946 acres of taxable land, of an assessed value of \$179,343, and with personal property assessed at only \$175,223, to pay for a railroad. But when we reflect that we have lost this year 20 cents per bushel on our 250,000 bushels of surplus wheat because we have no railroad (or \$50,000), and that when a railroad is started for Sioux Falls with a reasonable prospect of an early completion, not only the land at present taxable, but every acre of land in the county will immediately increase at least one dollar per acre in value, then we begin to realize that it would be better for us to give even the enormous sum of \$100,000 to get a road in one year than to do without it for three years.

How much Minnehaha County could give for a railroad, how to raise the funds, and where to bestow it, were, in the opinion of the speaker, "subjects for the meeting to consider."

J. D. Cameron then read letters from J. S. Meckling of the Dakota Southern, Hubbard of the Sioux City & Pembina, Drake of the Sioux City & St. Paul, and from the Minnesota Southern. The writer of each regretted his inability to attend the meeting, approved of its object, and presented the advantages of the proposed road in which he was interested.

On motion, a committee of five, consisting of E. A. Sherman, M. L. Wood, Joseph Roberts, J. L. Philips and R. F. Pettigrew, was appointed to draft resolutions.

The committee having reported, a lively discussion ensued, wherein remarks were made by E. A. Sherman, Amos F. Shaw, M. L. Wood, Judge W. W. Brookings, Henry Smith, Newton Clark, R. F. Pettigrew, C. K. Howard, J. D. Cameron, C. W. McDonald, and M. Grigsby. Some were for encouraging one road, some another; some for the broad gauge, some for the narrow; and all for taking steps toward organizing a railroad company. The following resolutions were finally adopted:

Resolved, 1. That the interests of Minnehaha County, and of Sioux Falls in particular, demand the early constructing of a road connecting Sioux Falls with some railroad point.

2. That as citizens of Minnehaha County we will do all in our power to aid any railroad company that will guarantee the early construction and operation of a road to Sioux Falls, and that our preference is for a road directly from the east.

3. That a railroad can and should be constructed from Sioux Falls to a connection with some road east in season to carry off the crop of 1876.

4. That immediate steps be taken to organize a railroad company, survey a route, open stock books and solicit subscriptions.

5. That a committee of five be appointed to carry out the intention of the preceding resolution.

The chair appointed as such committee M. L. Wood, E. A. Sherman, R. F. Pettigrew, Joseph Roberts and Newton Clark, and on motion J. D. Cameron and M. Grigsby were added to the committee. The meeting then adjourned.

The committee appointed held a consultation the day following and agreed to organize a company under the laws of the territory, to be known as the Sioux Falls Railroad Company; one terminus to be at a point on the eastern boundary of Dakota, in the Town of Valley Springs; the other terminus at Yankton, passing through Sioux Falls, and Minnehaha, Lincoln, Turner, Hutchinson, and Yankton counties.

Without unnecessary delay, and carrying out the purport of the resolutions, the committee prepared and filed the following certificate of incorporation:

This certificate of incorporation certifies that the following articles of agreement, made and concluded this 10th day of November, A. D. 1875, at Sioux Falls, in the County of

Minnehaha, and Territory of Dakota, by and between Amos F. Shaw, Joseph Roberts, M. L. Wood, E. A. Sherman, J. D. Cameron, R. F. Pettigrew and M. Grigsby; witnesseth,

That, whereas, it is the intention of the above named parties to hereby and herein organize themselves into a legally incorporated railroad company under and by virtue of the provisions of the general incorporation act of Dakota Territory, approved January 6, A. D. 1868, entitled, "An act to regulate incorporations," under the name and style of the Sioux Falls Railroad Company, for the purpose of constructing and operating a line of railroad from a point on the eastern boundary of Dakota, in the Town of Valley Springs, in the County of Minnehaha, thence in a westerly direction through the County of Minnehaha to the Village of Sioux Falls, thence through the counties of Minnehaha, Lincoln, Turner, Armstrong, Hutchinson and Yankton to the City of Yankton.

Therefore, this corporation, which is hereby and herein formed and established for the purpose of constructing the above line of road, shall be named and known as the Sioux Falls Railroad Company, and the said line of road proposed to be built shall be designated as the Sioux Falls Railroad; and the amount of capital stock of this company shall be \$500,000, which shall be divided into shares of \$100 each, which shares of stock shall be subscribed for as is provided in section 80 of the aforementioned incorporation law of the territory.

In accordance with the requirements of section 87 of the incorporation act aforesaid, the incorporators herein named do hereby "establish a place of business on the line of said road," which shall be located at Sioux Falls, at the office of R. F. Pettigrew, and the same is hereby declared to be the temporary office of the Sioux Falls Railroad Company, until changed by the board of directors; and at said office of said company the first books for subscription of stock to the Sioux Falls Railroad Company shall be opened to the public on the 1st day of January, A. D. 1876.

(Signed and Sealed) Amos F. Shaw, Joseph Roberts, M. L. Wood, E. A. Sherman, J. D. Cameron, R. F. Pettigrew, M. Grigsby.

The Sioux Falls Railroad Company made a survey of the line of their railroad via Valley Springs to the Minnesota State line in the fall of 1875. Mr. Wood, of Valley Springs, was in charge of the party; Cyrus Walts, of Sioux Falls, was the compassman. Books of subscription to the capital stock of the company were opened early in 1870, and over two thousand shares of stock subscribed.

Early in January, 1870, the St. Paul & Sioux City Railroad Company proposed to build a branch from Worthington to Sioux Falls for a bonus of \$100,000. At a public meeting held in Sioux Falls in January, 1870, to consider the proposition, it was resolved to give \$50,000; that \$100,000 was more than the village could donate. In September following the same company proposed to build from Sioux Falls to Worthington for a bonus of \$35,000 cash, and \$15,000 more in right of way and depot grounds. The proposition was accepted, and work of construction was entered upon and completed in 1878. The event was duly chronicled by the Pantagraph newspaper of July 31, 1878, as follows:

Without any gush or hurrah, Sioux Falls last evening received a visit from a locomotive, the track having been laid during the day to a point between the two mills. The first warning of the presence of the long looked for engine was a couple of toots from its whistle—the first sound ever made by a steam whistle in Sioux Falls. Today the track will be completed to the depot grounds, the rails being simply laid in order to furnish a road which may be used with care for bringing the train into the town so that the company can fulfill its contract for commencing transportation of the mail August 1st. The carriage of passengers all the way through to this place will also commence at once. Almost any other community under the sun would enthuse over such a piece of fortune as has finally reached us; but our people are very matter of fact, and it is glory enough for them to know that the road has got here. We are all wonderfully glad, however, that the iron horse has got here, because it is what Sioux Falls has been looking forward to for a long, long time.

Sioux Falls had its first telegraph line from Worthington, Minn., November 21, 1876. It was the forerunner of the first railroad.

The Sioux Falls branch of the Southern Minnesota Division of the Chicago, Milwaukee & St. Paul Railroad was completed to Sioux Falls in November, 1881, and a spur from that track was laid to the penitentiary grounds. The Milwaukee company was now the owner of the Southern Minnesota and the Sioux City & Pembina, and the junction of the two lines was made at Egan, Moody County.

During the summer of 1886 the Great Northern, under the title of the Wilmar & Sioux Falls Division of the Duluth & Denver Railroad, was approaching the



eastern border of the territory, with Sioux Falls as its objective point. H. T. Corson, of Sioux Falls, was a director of the local company and had attended a meeting of the parent company at Willmar, where plans were substantially agreed upon to extend their line into Dakota without unnecessary delay, and that in the course of a year or so after passing into Dakota it will move on to a connection with the Union Pacific, and with Denver as its objective point, going out of Dakota by way of Yankton.

The Illinois Central Railroad was built from Cherokee, Iowa, to Sioux Falls in 1887. Cherokee was then a town of 2,000 population. Sioux Falls claimed 7,000. In connection with the incident of signing the agreement for the Central, Mr. E. A. Sherman, of Sioux Falls, who had been instrumental in securing the road, said that Sioux Falls will have paid \$175,000 for all its five railroads, and would, with the completion of the Central, have all the railroads its interests demanded. That manufactories would pour in because of the city's railroad facilities.

## CHAPTER LXXVII

### LEGISLATURE—WHEAT FIELDS OF NORTH DAKOTA

1877

LEGISLATURE 1877—GOVERNOR'S MESSAGE—BLACK HILLS CEDD BY THE SIOUX—MUCH PRELIMINARY LEGISLATION—SOLDIERS' AND SAILORS' REUNION—JOHN B. RAYMOND APPOINTED MARSHAL—GRASSHOPPER PROCLAMATION—A DAY OF FASTING—THE WHEAT FIELDS OF NORTH DAKOTA—THE DALRYMPLE FARM—IMMIGRATION, CROPS, ETC.—COUNTIES ORGANIZED.

The twelfth session of the Legislative Assembly of the Territory of Dakota convened at Stone's Hall, Yankton, the capital, at 12 o'clock noon, Thursday, **January 9, A. D. 1877, and organized as provided by law.**

The Council was called to order by Arthur Linn, of Canton, chief clerk of the last Council. Prayer was then offered by Rev. Joseph Ward, of Yankton. The clerk then called the roll, when the following members answered to their names: First District (Union County), J. A. Wallace, William Duncan; Second District (Clay County), Nelson Miner, Hans Gunderson; Third District (Yankton County), Walter A. Burleigh, Joel A. Potter; Fourth District (Bon Homme, Hutchinson, Armstrong, Hanson and Davidson), A. J. Mills, Bon Homme; Fifth District (Lincoln and Turner counties), C. B. Valentine (Turner), Mark W. Bailey (Lincoln); Sixth District (Minnehaha, Lake and Moody counties), R. F. Pettigrew, Minnehaha; Seventh District (Cass, Richland, Ransom, Barnes [heretofore known as Burbank] and Stutsman counties), H. I. Back (Fargo) (this seat was contested by Alexander McHench, of Fargo, who was given the office); Eighth District (Traill, Grand Forks and Pembina counties), Judson Lamoure, Pembina; Ninth District (Burleigh and Stevens counties), Robert Wilson, Bismarck.

Nelson Miner, of Clay, was elected temporary president of the Council, and **J. R. Hanson, of Yankton, temporary secretary.**

The Council then permanently organized by the election of the following officers: W. A. Burleigh, of Yankton, president; J. R. Hanson, secretary; Silas W. Kidder, of Clay, assistant secretary; Arthur Linn, of Canton, engrossing clerk; Frank J. Washabaugh, of Yankton, enrolling clerk; P. McMahon, of Burleigh County, sergeant-at-arms; James Stack, of Union County, messenger; Felix Dillger, of Yankton County, watchman, and S. Peterson, doorkeeper. Rev. James Buchanan, of the Yankton Baptist Church, was elected chaplain. Council then adjourned.

At 12 o'clock, noon, the House was called to order by Charles F. Mallahan, of Union County, chief clerk of the last House, who called the roll of members as furnished by the secretary of the territory, when the following members answered to their names:

First District (Union County), James M. Adams (McCook), John Sellberg, D. S. Stewart, A. L. Boc; Second District (Clay County), Hans Myron (Lin-

coln), Franklin Taylor (Vermillion), Darwin M. Inman (Vermillion), A. G. Hopkins; Third District (Yankton County), Erick Iverson, Clarence Van Tassel, F. M. Ziebach, W. H. H. Beadle, Henry A. Burke; Fourth District (Bon Homme, Hutchinson, Armstrong, Hanson and Davidson counties), Digs, Carides Hagle (Hutchinson), Charles Maywell (Bon Homme); Fifth District (Lincoln and Turner counties), William Dunham (Lincoln), John Falde (Canton); Sixth District (Minnchaha, Lake and Moody counties), John Thompson (Minnchaha), S. Soderstrom; Seventh District (Cass, Richland, Ransom, Barnes [heretofore known as Burbank] and Stutsman counties), John Q. Burbank (Wahpeton), Martin O. Hexom (Cass), Dennis M. Kelleher (Jamestown) (seat awarded to Burbank in contest); Eighth District (Traill, Grand Forks and Pembina counties), Asa Sargent (Traill); Ninth District (Burleigh and Stevens counties), Edmund Hackett (Bismarck); Tenth District (Charles Mix, including the Yankton Indian Reservation, and Buffalo, Brule, Hyde, Hughes and Sully counties), Thaddeus Stevens Clarkson (Yankton Agency); Eleventh District (Brookings, Hamlin, Deuel and Grant counties), George Spencer Codington (Medary, Brookings County).

The counties of Stanley, Cheyenne, Delano, Mandan, Lawrence, Custer, Forsythe, Shannon, Lugenbeel, White River and Pennington were attached to the Tenth Representative District for election purposes. These counties were all a part of the Sioux Indian Reservation, west of the Missouri River, and the treaty ceding the Black Hills, which covered a portion of the reservation, was not ratified by the Senate until after the adjournment of this Legislature.

Chief Justice Shannon administered the oath to the members.

The House then proceeded to a permanent organization by electing the following officers:

Speaker, D. C. Hagle, of Hutchinson County; chief clerk, T. A. Kingsbury, of Yankton County; assistant clerk, M. B. Kent, of Union County; engrossing clerk, H. R. Blanding, Richland County; enrolling clerk, H. M. Luse, Lake County; doorkeeper, H. P. Nielson, Clay County; sergeant-at-arms, A. B. Fockler, Lincoln County; messenger, Ole Lien, Lincoln County; watchman, Haldo Sater, of Yankton County. Rev. Gilbert Higgs, of Yankton County, was elected chaplain.

The House then adjourned after appointing committees to inform the Council and governor of their organization.

Dr. C. W. Meyer and Gen. A. R. Z. Dawson, of Deadwood, were given the freedom of the floor during the session, with the privilege of promoting legislation for that section, as representative delegates.

The governor's message was delivered to the joint convention on the second day of the session, and read by the chief clerk. The document was subdivided into a number of subjects, most prominent being the grasshopper plague, which had troubled the farmers for the past two years and would probably do more or less damage the present year, as the females had deposited their eggs in the plowed ground the season previous. The governor advised that the farmers should not get discouraged, that the neighboring territories and states had been and were then suffering from the same pest as much, if not more than Dakota. New countries were apt to have afflictions of the kind, but they would finally disappear. It was not probable that there would be any trouble from this source for many years to come. The message recommended that the farmers plant early of small grain which would bring the harvest ahead of the grasshopper raids, and on the whole to have faith in Dakota soil, refuse to give up, and to help one another during this season of short crops to those things necessary to maintain health and strength and reasonable comfort. He would have the Legislature authorize the counties to afford assistance where absolutely necessary, and particularly to provide seed grain where needed, the territory to be reimbursed from the harvested crop.

Finance and taxation were practically treated, and a lower rate of interest was advocated. High rates were a detriment to the territory, conveying the



THESE HOUSES BUILT BY MORMONS IN DEAD  
WOOD, 1876



GOLDEN CITY, ELMO HILLS, 1877





impression that securities were of a doubtful and unstable character. The tendency of counties to issue warrants in excess of their means was seriously treated. The evil of this custom was seen in the depreciated value of unredeemed warrants, and the consequent excessive charges the county was put to in its expenditures. It was a ruinous policy and would lead to bankruptcy if persisted in. The territory and the counties should get on a cash basis as early as possible by refusing to make any appropriations unless there was promise of cash in the treasury to justify it, and the counties should be prohibited from issuing warrants in excess of their revenues. The delinquent tax lists were largely responsible for excessive prices paid by the county and territory.

A liberal railroad corporation law was urged. The territory was in need of railroads in its work of settlement and development, and the railway companies would need much encouragement to begin in this new unsettled country. Dakota at the present time has little direct inducement to offer to railway builders, but the outlook for a rapid increase of our agricultural population was encouraging. With more producers will come more produce and a surplus to send to market. When we reach that condition we shall be out of the woods, and railroads will not need a bonus to induce them to build through the territory. Until then we should use good business judgment in providing laws for the government of labor employing industries, and not discourage them from coming by unwise and meddling legislation. Railway men are studying this phase of our legislation and are influenced by it. They can do much in assisting us in our efforts to secure population. Coupled with this subject is the proposition to make a greater effort to secure a larger and a proportionate share of the annual immigration for Dakota. Our immigration laws need revising and made more practical and effective. The present immigration bureau is a cumbersome and unwieldy affair, and should be replaced by a system that demands less machinery. The bureau system should be abolished, and the direction of this most important feature of territorial policy entrusted to one competent commissioner backed by an appropriation that will afford such expenditures as are necessary to secure the best results. Dakota is surrounded by a number of strong and able competitors, who have an abundance of money to maintain them. We must not expect to compete with our neighbors on the basis of merit and superior advantages at this time, nor until we have secured many additional thousands to cultivate our fertile lands. We must be prepared to spend some money and spend it judiciously. With the aid of our new Black Hills possessions, our immigration agents will find their labors less arduous. Our agricultural advantages can be shown in a much more attractive light aided with our valuable mineral resources.

The probable addition of the Black Hills to the jurisdiction of our territorial government requires the enactment of a number of new statutes, or the amendment of present ones, quite necessary. Whatever can be done by legislation by your honorable bodies to promote the establishing of civil institutions in the hills, should cheerfully be done, for the people there will have the same rights to the protection and advantages of our laws that we on this side of the Missouri enjoy.

The effort to establish a new territory to be called Huron, which has appeared in Congress, proposes to make the Black Hills the basis of the organization, but as it calls for a division of the present territory on a north and south line, the great majority of our people will oppose it on the ground that it would only intensify the difficulties complained of in the present territory. It will be able to prove its own impracticability before Congress will give it much consideration, and therefore speculation regarding it at this time would be time and space unprofitably expended.

The subject of common schools, the maintenance of the deaf, dumb, blind, and insane, were brought up and a recommendation made that the Legislature provide by law for the care and custody of such unfortunates in the institutions of adjoining states.

At the session of the Legislature held in 1874-5 a law was enacted changing the time of meeting of the Legislative Assembly of the territory from the first Monday of December to the second Tuesday of January, and provided that the next biennial session of said Legislative Assembly should be held commencing on the said second Tuesday of January, 1877, and biennially thereafter on the second Tuesday of January.

#### STUTSMAN COUNTY CONTEST

A notable contest for the seats in the Council and House from the Seventh Council and Representative District, which included the counties of Cass, Barnes, Richland, Stutsman and Ransom, was an interesting feature of this session. The contestants in the Council were Hon. H. S. Back and Hon. Alexander McHench, both of Fargo, the former the sitting member; and in the House Hon. D. M. Kelleher, of Stutsman County, and Hon. John R. Burbank, of Richland County. The contest was based on alleged fraudulent votes in Stutsman County to the number of 100, which gave the election and the seats to Back and Kelleher. The first report of the Elections Committee of the House made on the twenty-fifth day of the session, was favorable to the sitting member, and Mr. Kelleher was confirmed in his place by a vote of fourteen to ten. Mr. Burbank was permitted to continue his contest, and about a week later, backed by new evidence, he was given the seat by a majority of one.

In the Council the contest between Back and McHench continued until near the close of the session, February 15, when Mr. McHench was seated by a vote of six to five. The Legislature appears to have acted tardily in each of the contests, and it is altogether probable its committees were unable to earlier procure the facts regarding the election in Stutsman County, which were sufficient to vindicate the claims of the contestants. These facts came out later in a criminal prosecution before the District Court at Fargo, before which the judges and clerks of the election were arraigned on a charge of permitting fraudulent voting and making false returns. Two of the judges and two of the clerks had been indicted, and on the trial made a full confession and besought the mercy of the court. They were sentenced to short terms of imprisonment in the jail at Fargo. The evidence and confessions of the election officers disclosed that in accordance with a plan arranged by Mr. Kelleher and Mr. Miller, of Jamestown, four or five sheets of fictitious names were prepared before the election, and at the same time a sufficient number of tickets were fixed up to secure the election of Mr. Back to the Council and Mr. Kelleher to the House. On the day of election, during the temporary absence of two of the judges from the room, seventy-eight of the bogus tickets were put into the ballot box and three sheets of the names were inserted in the rolls to correspond. After the vote had been counted, the returns from other counties indicated that there was danger of Kelleher's defeat, and he and Miller brought the ballot box back to the clerks, who took out thirty of the tickets which had been cast for Burbank, the opposing candidate, and changed them. The judges were induced to sign a new certificate of the election returns to correspond with the result. The legal investigation disclosed that while there were 158 votes returned, 78 were entirely bogus, and about thirty were cast by persons who had passed through on railroad trains.

#### OPENING THE BLACK HILLS

The Black Hills had become an important factor in the commercial, domestic, industrial, and political affairs of the Territory of Dakota, at the opening of the legislative session of 1877. That country was now inhabited by eight or ten thousand citizens of the United States. Two years earlier, when the Legislature adjourned, the Government was engaged in an effort to secure from the Sioux Indians a cession of the hills country, where gold had been discovered, but the plan had made but slight progress at that time. White people had been inter-



# FROM TEPIE TO FARM IN DAKOTA

A pictorial story

Courtesy of C. E. McLean, Aberdeen News





dicted from entering and settling in the country in 1875, and those who did so surreptitiously were in great part discovered and removed by military forces; but during the year 1876, comparatively no effort had been made to obstruct immigration, and the result was that the gold bearing districts of the hills were quite densely populated. President Grant, in explanation of the change in the exclusion policy of the Government, in his message to Congress of 1876-77, says:

A policy has been adopted towards the Indian tribes inhabiting a large portion of the territory of the United States which has been humane and has substantially ended hostilities in the whole land, excepting in a portion of Nebraska, Dakota, Wyoming and Montana, the Black Hills region and approaches thereto. Hostilities there have grown out of the avarice of the white man, who has violated our treaty stipulations in his search for gold. The question might be asked why the Government has not enforced obedience to the terms of the treaty prohibiting the occupation of the Black Hills region by the whites. The answer is simply this: The first emigrants to the Black Hills were removed by troops, but rumors of fresh discoveries of gold took into that region increased numbers. Gold has actually been found in paying quantities, and our efforts to remove the miners would only result in the desertion of the bulk of the troops that might be sent there to remove them. All difficulty in this matter has, however, been removed, subject to the approval of Congress, by a treaty ceding the Black Hills and approaches to settlement by citizens.

In the meantime, September, 1876, an agreement had been consummated with all the tribes of the Sioux Nation, save those that occupied an attitude of hostility and were as a consequence outlawed, under which the Indian claim to the Black Hills had been extinguished, but this treaty was not in effect during the session of the Legislature of 1877, not having been ratified and confirmed by Congress. Nevertheless, the Legislature assumed that the treaty or agreement would be ratified, and in its proceedings treated, practically, the hills people as a part of the Territory of Dakota politically. The hills had no members of the Legislature, as a matter of course, but its demands and interests were looked after by a number of able lobby members, and all necessary legislation was enacted to set the machinery of organized government in motion as soon as Congress signified its assent to the treaty, which came on the day of the Legislature's final adjournment.

Under the citizenship or election laws of the territory, the hills contained but very few citizens comparatively who could claim a legal residence in the territory at the time the treaty was ratified, and were not therefore eligible to vote or hold office. Under these circumstances it became a perplexing and delicate matter to provide for the organization of its counties by the appointment of the necessary officers to inaugurate the local government. Under the law then in force a residence of six months in the territory and thirty days in the county, was required to entitle a person to vote and hold office; therefore, in order that the lawful organization of the hills counties could be made with no unnecessary delay, which was urgently demanded by conditions and by the law abiding people of the hills, the governor, in appointing the first officers, endeavored to select only such as had resided in the territory the required time, paying little attention to the county qualification. He may have ignored the territorial residence in one or two instances in cases where the office was of paramount importance and apparently unanimously supported by the hills people; it appeared upon trial that two or three of his selections from the eligible class were not judicially bestowed.

The counties of the hills were included in a separate Judicial District and an associate justice assigned thereto.

The newly appointed officers of these counties were succeeded in the following October by a set of officials elected by the people, all of which matters are set forth in detail in the chapters regarding the opening of the hills country, contained in this work.

#### LAWS OF THE TERRITORY REVISED AND COMPILED

The laws of Dakota had been revised and compiled during the preceding two years by a commission authorized by an act of 1875, to wit: Chief Justice P. C.

Shannon, Associate Justice Granville G. Bennett, and Hon. Bartlett Tripp, who had selected Gen. W. H. H. Beadle as secretary. This was the first revision the laws of the territory had undergone since the beginning of law-making in Dakota, and a very creditable work was performed. The revised codes were adopted by the Legislature of 1877 and published together with the laws enacted at the same session. All the general statutes of the political code, as well as the civil and penal codes, the probate laws and the justices of the peace code, were much improved by this legislation, which gave to Dakota a code of laws and a system of jurisprudence not surpassed for excellence and completeness by any state or territory of the Union. General Beadle had been elected a member of the House from Yankton County mainly because of his familiarity with the new code, which had been quite largely his handiwork as secretary of the code commission. He also proved one of the most valuable members in framing the new legislation of the session.

The ability and acumen of this legislative body was generally recognized by the people of the territory, and in some respects it fixed a legislative standard that subsequent assemblies emulated with profit to the people; or disregarded at the risk of popular disfavor.

Governor Pennington sent the following nominations to the Territorial Council, January 31st, namely: Fred J. Cross, of Minnehaha County, commissioner of immigration; W. E. Caton, Union County, superintendent of public instruction; John S. Sands, Lincoln County, territorial auditor; E. A. Sherman, Minnehaha County, territorial treasurer. The appointments were all confirmed.

On the sixth day the governor's message was taken up by sections and referred as follows:

Grasshoppers, Committee on Education. Finance and Taxation, Committee on Finance. Interest on Money, Committee on Finance. Black Hills, Committee on Territorial Affairs and Counties, Highways, Bridges and Ferries. Immigration, Committee on Territorial Affairs. Railroads, Committee on Railroads. Codification of the Laws, Committee on Judiciary. Indians, Committee on Territorial Affairs. Public Buildings, Committee on Expenditures. Huron Territory, Committee on Engrossed Bills. Relief Bonds, Committee on Judiciary. Public Schools, Deaf and Dumb, Blind and Insane, Committee on Education. Arms, special committee of one to be appointed by the president of the Council.

The Black Hills Legislative District had not been organized at the time this session was held, but was provided for by this Legislature. Dr. C. W. Meyer and A. R. Z. Dawson, who had been sent from the Black Hills to represent the mining sections as lobby members, were invited to address a joint session of the Legislature, which they did, Doctor Meyer making a very valuable and exhaustive address regarding the mineral resources. George Heinckle, another Black Hills representative, and a gentleman of scientific attainments in exploring and developing mineral sections, also delivered a valuable address.

#### BLACK HILLS COUNTIES

The Legislature of 1877 made a new Judicial District of the Black Hills country and assigned Judge Bennett, of the First District, to the new district.

The Legislature re-defined the boundaries of the judicial districts of the territory, in order to supply courts to the Black Hills people. The first Judicial District heretofore embracing Clay County and the Big Sioux Valley to and including the Wahpeton and Sisseton Indian Reservation, was transferred to the country west of the Missouri River. The enactment declared:

All that portion of the Territory of Dakota west of the right bank of the Missouri River at low water mark, and south of the 46th parallel of north latitude, except the counties of Todd, Gregory, Lyman, and Presko, and so much of Boreman County as lies south of Grand River, shall constitute the first judicial district.



JOHN L. TIERNON, FORT RANDALL.

Speaker of the House of Representatives in March, 1867.





The Legislature also made provision for organizing four counties in the hills, contingent upon the ratification of the Black Hills treaty, then pending by Congress. The same contingency applied in the case of the Judicial District, for this legislation by the Territorial Legislature was laid before the Black Hills country had become a part of political Dakota. The counties of Lawrence, Pennington and Custer were constituted the Thirteenth Council and Representative District, and were given one member of the Council and two members of the House of Representatives; and the counties of Charles Mix, including the Yankton Reservation, Brule, Hyde, Hughes, Buffalo and Sully, were attached to the Thirteenth District for election purposes. Provision was made in the apportionment act by which the members allowed the Black Hills should be apportioned to other counties in case of a failure of the treaty.

Anticipating the opening of the hills, the Legislature enacted a law concerning mines, which defined the length and width of quartz lodes; and the duties and rights of the discoverers of mineral bearing veins. It also provided for mining location certificates and what they should contain; the amount of work necessary to be done annually in order to protect the claimant in his property, and much more of the details necessary to be observed by miners in locating quartz claims. It was presumed that the law conformed to the statutes of other mining territories or states, and was probably drawn by practical miners, some of that profession being members and officers of the legislative body but not at the time engaged in mining.

The Black Hills country had not at this time reached that stage of settlement and organization when it occurred to any of its pioneers, whose time was largely taken up in avoiding the military police that a delegate to the Legislature could be of service.

(The reader is referred to the separate chapters regarding the Black Hills for the legislation, organization of counties, and other matters affecting that section during 1876-77.)

#### TODD AND BURLEIGH

Both General Todd and Dr. W. A. Burleigh were out of place in the territorial legislatures of which they were members, having previously been members or delegates in Congress. Their attitude was that of "fallen chiefs," still living but shorn of their popularity and power. Their fellow-members appeared to feel that they had humbled themselves to accept a seat in the Territorial Legislature, and endeavored, by thrusting these honors upon them to atone for the cruel fate which had interrupted the forward progress of their early ambition. They ruled their legislative assemblages as a schoolmaster ruled his pupils, and finally, they were petulant, could not patiently brook having their rulings called in question, and while Todd tried to remove the capital from Yankton owing to some fancied grievance, Burleigh threw up the presidency of the Council because his rulings were disputed, and sent his resignation to the governor as a member, but as the session was near its close he was induced to withdraw it. A member of the House in 1862-63 named Harlan, from Clay County, had been a member of Congress from Missouri and was quite an able man. He was elected speaker, and managed to split the House into two bodies, the revolutionary body electing another speaker. Seventeen days elapsed before the cause of the division was removed, and when the bodies united a new speaker was elected as one of the terms of the compromise.

#### SOLDIERS AND SAILORS REUNION

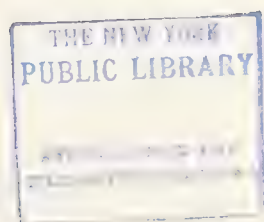
A reunion of the surviving soldiers and sailors, residing in Dakota, who had participated in the Civil war on the side of the United States, was held at the capital of the territory on the 4th of October, 1877. An organization was effected. Gen. Charles T. Campbell, of Scotland, a veteran of the Mexican war as well as

a gallant officer of the Union army, was elected president. Addresses were made by Gen. W. H. H. Beadle, Maj. Alexander Hughes, and others. One purpose of the organization was to secure the names and residence of any soldier, soldier's widow, or soldier's orphan, in the Territory of Dakota. Attending this reunion were the following veterans of the great conflict: M. A. Baker, Millard A. Baker, Company G, Second New York Cavalry; L. U. Barron, Company L, Fourth New York Artillery; Lott S. Bayless, Seventh Indiana; Arthur Linn, Company H, Tenth New York Zouaves; W. H. Stearns, Company F, Thirty-fifth Illinois; Geo. S. Burton, Company A, Thirteenth Wisconsin; D. P. Brown, Company E, Fifth Minnesota; J. A. Wallace, Company C, Sixth Indiana and Company G, Forty-second Indiana; W. F. Eldridge, Company B, Fourteenth Wisconsin; A. J. Mills, Company G, Fifteenth Illinois, and Company I, United States; John Claude, Dakota Cavalry; David Campbell; A. C. McMillan, Company B, Twelfth United States; J. E. Masson, Company H, Twenty-first New York; Geo. H. Welshman, Company H, Second New Jersey Cavalry; Edmund Hackett, Company C, Third New Hampshire; Erick Iverson, Company K, First and Second Minnesota; Charles E. Solis, Company G, Fifteenth Michigan; G. W. Hall, Company G, Fifteenth West Virginia; Joseph Archambault, Company I, Second Vermont; William Beaumont, Company F, Thirty-sixth Wisconsin; Augustus M. Wood, Company A, Forty-fourth Iowa; L. D. F. Poore, Company M, First Michigan Cavalry; F. W. Cooper, Company H, One Hundred and Thirty-seventh Illinois; C. C. Wiley, Company B, Tenth Massachusetts; R. T. Wood, Two Hundred and Seventh Pennsylvania; John L. Taylor, Tennessee Cavalry; A. L. Roe, Forty-ninth Wisconsin; B. S. Williams, Company D, Eighth Wisconsin; S. A. Boyles, Company E, Eighteenth Indiana; S. S. Greene, Company B, Fortieth Illinois; W. S. Bowen, Twelfth Wisconsin Battery; William Hoyt, Company C, Seventeenth Wisconsin; John Thompson, Company I, Seventh Wisconsin; L. N. Kennedy, Company B, Fifty-third Illinois; W. F. Dunham, Company F, Thirty-ninth Wisconsin; J. W. Bennett, Fifty-first Wisconsin; E. A. Edwards, Company D, Twenty-seventh Wisconsin; Hiram Dally, Company K, Thirty-third Ohio Infantry; John Bellharz, Company D, Twenty-seventh Iowa; N. B. Kindred, Company K, Fifteenth Iowa; A. R. Z. Dawson, One Hundred and Eighty-seventh Ohio; Ralph Smith, Company L, Thirteenth New York Heavy Artillery; James P. Aney, Company D, Eighth Wisconsin; George J. Willet, Jr., Company E, Forty-fifth Wisconsin; Joseph Pray, Third Massachusetts Artillery; T. S. Clarkson, Thirteenth Illinois Cavalry; A. Bader, Company K, Thirteenth Illinois; Warren Osborne, Company K, Second Minnesota; Isaac N. Esmay, Company A, Twenty-fourth Iowa; C. H. Edwards, United States Ship Kate, No. 55, Mississippi Squadron; Frank D. Wyman, Battery C, Third Rhode Island; J. R. Sanborn, Company B, Dakota Cavalry; S. J. Morrow, Company F, Seventh Wisconsin; Dan Dally, Company K, Third Ohio Artillery; J. S. Schmidt, Company G, Fifteenth Missouri; Joseph D. Wirt, Company A, Twenty-fourth Iowa; T. A. Kingsbury, Nineteenth Wisconsin; G. S. Coddington, First New York Rifles, mounted; Fred A. Haskell, Company I, Twenty-third Maine; John A. Kent, Company C, First Massachusetts; William Duncan, Chief of Scouts, Army of Tennessee; John H. Coles, Company D, Third Delaware; James M. Adams, Company G, First Pennsylvania Reserves; C. L. Bancroft, Company B, Fourteenth Illinois Cavalry; Phil K. Faulk, Company F, Eleventh Pennsylvania; D. C. Hagle, Company D, Eleventh Missouri; Bernhard Mohan, Company B, Sixth Iowa Cavalry; M. B. Kent, Company I, Forty-sixth Illinois Infantry; James Davis, Company I, Forty-sixth Illinois Infantry; J. R. Kent, Company I, Forty-sixth Illinois Infantry; Alonzo Goss, Company I, Forty-sixth Illinois Infantry; Peter Bayard, Company C, Fifth Iowa Cavalry; W. G. West, Third New Jersey Cavalry and Battery L, First United States Artillery; I. E. West, Third New Jersey Cavalry; A. Sheridan Jones, Third Wisconsin; A. M. English, Company A, Dakota Cavalry; E. C. Walton, Company B, Forty-fifth Illinois; Edwin Benedict, Company E, Fifth Connecticut; Charles Fahrenwald, Company F,



COAL MINE IN BILLINGS COUNTY, DAKOTA





Fifteenth New York Cavalry; Joseph Emmerson, Company E, Eighth Illinois; F. J. Magee, Company F, Ninth Illinois Cavalry; John J. Duffack, Company G, Eighth Iowa Cavalry; N. C. Nash, Company A, Thirteenth Wisconsin; M. Harrington, Fifteenth Iowa; David Devo, Company G, Fifth New York Artillery; J. F. Hewitt, Company E, Forty-third Wisconsin; Vale P. Threlman, Company G, Fourth United States, Company D, One Hundred and Forty-seventh Illinois, and Company D, Twenty-second United States; W. W. Aurner, Company A, Second Colorado Cavalry; G. P. Bennett, Company K, Twenty-seventh Iowa; Andrew Miller, Company G, Thirtieth Michigan; Nick Buckes, Company C, Seventeenth Missouri; John H. Stubbs, Company C, Second Wisconsin; J. J. McIntyre, Forty-ninth Wisconsin; Jared Runyan, Twenty-third Pennsylvania; B. Olsen, Company B, Twelfth Iowa; Edward Ward, Company G, Twenty-fifth Iowa; Owen Bartlett, Company C, Twenty-third Iowa; J. B. Daily, Company F, Twenty-eighth Iowa; B. J. Barton, Company A, Twenty-fifth Iowa; L. C. Wood, Company H, Two Hundred and Seventh Pennsylvania; Thomas Sills, Forty-sixth Illinois; H. H. Vinton, Sixth Michigan Cavalry; George A. Baker, Company B, Second Minnesota; C. Dawson, Company A, Eighth Illinois; Herbert J. Sanborn, Company D, Twenty-second Wisconsin; John H. Cole, Company D, First New Jersey; Geo. L. Whitmarsh, Company C, First Iowa Cavalry; P. C. Conway, Company A, Dakota Cavalry; John S. Lanning, United States Steamer Magnolia; D. E. Brewer, Company D, Fifth Wisconsin; A. Wilcox, Company C, First Missouri Engineers; W. H. Wasson, Company K, Eighty-second Ohio; Iver C. Horton, Sixth Michigan Cavalry; William Hoyer, Company H, Two Hundred and Seventh Pennsylvania; Elester E. Wood, Company L, Second Pennsylvania; George H. Hand, Chicago Board of Trade Battery; W. H. H. Beadle, Thirty-first Indiana Infantry, and First Michigan S. S.

Company A, Dakota Militia—F. M. Ziebach, captain; David Fisher, first lieutenant; John Lawrence, second lieutenant; George W. Kingsbury, orderly sergeant; Newton Edmunds, D. T. Bramble, H. C. Ash, William Miner, Obed Foote, John Stange, Henry Bradley, Thomas Powers, Washington Reed, T. J. Reed, Matthew Reed, Antoine Robert, Wm. P. Lynman, J. S. Presko, William Werdebaugh, J. M. Stone, J. R. Hanson, J. B. Greenway, George N. Prepper, M. K. Armstrong, Henry Arend, John J. Alseth, B. Peterson, C. F. Picotte, Melancthon Hoyt, C. F. Rossteuscher, James M. Allen.

The association was organized at Yankton, February 6, 1877, on which occasion Judge Granville G. Bennett, of Deadwood, delivered an address. The first officers were J. A. Wallace, of Union County, president, Gen. C. T. Campbell, of Bon Homme County, vice president, and Maj. T. S. Clarkson, of Charles Mix County, secretary. The next meeting was fixed for the 17th of September, proximo, at Yankton.

Capt. John B. Raymond was appointed United States marshal for Dakota in August, 1877, succeeding Marshal J. H. Burdick.

#### GRASSHOPPER PROCLAMATION—A DAY OF FASTING

The warm spring weather of 1877 hatched out myriads of young grasshoppers from the eggs that had been deposited the year before, and it became apparent that a serious calamity was threatened to the prosperity of the territory. In fact its baneful influence it was feared would result in the depopulation of some of the newer settled sections of the territory. Under these distressing circumstances, the governor moved thereto by an earnest appeal of the Christian clergy of the territory, issued a proclamation, appointing a day of fasting, humiliation and prayer to Almighty God, trusting that the calamity might by his good providence be averted. The petition of the clergymen was endorsed by the following named clergymen: Joseph Ward, pastor of the Congregational Church, Yankton; J. A. Potter, pastor of the Methodist Church, Yankton; James Buchanan, pastor of the Baptist Church, Yankton; Gilbert Higgs, pastor rector of the Episcopal Church,

Yankton; Stewart Sheldon, general missionary of A. H. M. Society for D. T.; John Hauck, missionary of Sioux City and Yankton District among the Germans of the Methodist Episcopal Church; Melancthon Hoyt, dean of the Episcopal Church in Dakota.

The grasshopper convention of governors at Omaha held during the preceding fall having also adopted resolutions requesting the people of the several states afflicted by the destructive pests, to assemble in their respective places of worship, and beseech by prayer and praise, the interposition of the Almighty Father to preserve to the threatened people the fruits of their industry; the governor issued his proclamation in these words:

Now, therefore, in conformity with the action of the said convention, and in obedience to the wishes of the reverend clergy as expressed in their letter, and in truthful and devout recognition of Divine Providence, I appoint Friday, the 4th day of May next, to be observed as a day of fasting, humiliation and prayer to Almighty God for the forgiveness of our sins, and for his blessing in all the affairs and vicissitudes of life.

In the spirit of humility and supplication let the people of the territory assemble on that day in their accustomed places of public worship, and ask for the Divine assistance without which all human effort is made vain.

Let us pray for peace on earth and good will among men; that all strifes may cease, and that the nation may increase in wisdom, and be strengthened in unity and patriotism; that we may be blessed in our institutions, our industries and in our homes. Let us seek for wisdom and honesty in government, and for uprightness, temperance and godliness among our people, for the bounties of the earth, for succor and help, for the needy and distressed, and consolation for the sorrowful; for faith that doubteth not, for love that is steadfast and enduring, and for the peace which passeth understanding.

JOHN L. PENNINGTON.

(Seal) By the Governor, GEO. H. HAND, Secretary.

On the day appointed, Friday, May 4, there was a general observance of its purpose by the people of all Christian denominations as well as those of the Israelitish faith; and it was remarked as the season of growth in the planted fields grew on that the damage from insects of any kind was no greater than in the average seasons and the scourge of the grasshopper disappeared, not only for the season then impending but possibly for all time, as no general complaint of a recurrence of the plague has since been known. The people seem to have been generally reminded of these words in the Psalms of David: "Let the people praise Thee, O God; yea, let all the people praise Thee. Then shall the earth bring forth her increase; and God, even our own God, shall give us His blessing."

A little red bug was discovered late in April and early in May in the grasshopper infected sections of the territory at work destroying the infant hoppers and the unhatched eggs. This destruction had been observed in Minnehaha, Turner, Lincoln, Clay, Armstrong, Bon Homme, Hutchinson, and Yankton counties. Where the young grasshoppers were abundant a short time since not one was visible early in May, but the ground was fairly peopled with the red bug; and an examination of the eggs deposited in many places would indicate that the red parasite had been busy rendering them innocuous. This red bug had been observed a year or two earlier but it was then only a mite, barely visible to the eye and concealed under the wings of the full grown hopper; at this time it appeared increased in size manifold; farmers in different sections had dug up a spadeful or such a matter of the soil containing the hopper nests and therein discovered the little bug alive and at work exterminating the embryo hopper; the eggs were found in sacks, ten or twelve together, and it was claimed that one of the red bugs had capacity for several sacks.

Fast day, as it was called, May 4, was generally observed in all the Dakota churches, and the banks and many of the business houses suspended business, notwithstanding the operations of the red bug. By the middle of June the grasshopper plague had ceased to be more than a memory, and the grain crops promised an abundant yield. The promise was fulfilled, and since that season the territory has suffered no serious damage from the insect plague. Because of the grasshopper scourge which had infested the territory since 1874, and which had been



CROOK CITY, BLACK HILLS, FROM  
THE NORTHWEST



CROOK CITY, BLACK HILLS 1877.



THE NEW YORK  
PUBLIC LIBRARY

greatly magnified in the public prints to the great detriment of immigration, and otherwise injurious to the territory, the following report of the executive of the territory to the commissioner of agriculture, at Washington, was given to the public in August, 1877.

EXECUTIVE REPORT.

Yankton, Dakota Territory, July 30, 1877.

Gen. G. W. LATHROP, COMMISSIONER.

Dear Sir: We are now in the midst of the harvest in Dakota, and it is safe to say that the yield from the small grain crops will be by far the largest ever gathered in this territory. The crops have received no damage from the grasshoppers, the season has been propitious, the acreage cultivated is greater than ever before, and the product to the acre is unprecedented. The rye and barley are harvested and are safe, while the largest part of the wheat and oats are in the stack and in the shock, and the remainder will be by the close of the present week. The potato crop is safe and almost beyond injury, and will be the largest ever produced in the territory, while the general vegetable crop is most abundant.

The corn looks well, and if not injured by the grasshoppers, a misfortune which but few now apprehend, the yield will be most abundant. Our people have great cause of rejoicing for the bountiful yield of the fruits of the earth. They have not only an abundance to supply all their own wants, but will have a large surplus for exportation, and notwithstanding the general business depression and financial distress that affects the country generally, the citizens of this territory are buoyant with hope, and the immense crop which they are now harvesting will place them in a more independent condition than they have ever occupied before since settling in the territory. And in this connection you may proclaim to sober, intelligent, industrious people of the over-crowded East, who are out of work and suffering for want of food, that our broad free acres are open to them. We have millions of unoccupied acres, and the Government of the United States gives a home in this territory to any who will occupy it. The lands to the bona fide settlers are absolutely free, and any family who has means to get here and open up a few acres, cannot only provide for themselves, but with economy and industry may soon become independent.

JOHN L. PENNINGTON,  
Governor.

This fortunate turn from the dismal apprehensions felt in the early spring when the young grasshoppers were threatening destruction to all vegetation, was by many very properly ascribable to the overruling Providence to whom intercession was publicly made by the people of the territory on the occasion of the day of fasting, humiliation and prayer, appointed by the governor in the early season in response to the petition from the clergymen. That such a striking and abundant vindication of the scriptural passage which declares that "the prayers of the righteous availeth much," was thankfully recognized by many may be confidently stated, and should have afforded great encouragement to all, especially to those who believed with the immortal Lincoln, that God answers the sincere prayers of his people.

#### THE PEACE POLICY

The Peace Policy had been in force or on trial for eight years; that is the earnest policy which had for its motto applied to the Indians: "work, or starve and go naked," but the policy was not yet strong enough to be trusted alone—it required the protection of the soldiers, and it will be observed that the territory was fairly well supplied by reference to General Sheridan's report given in chapter 79-1878.

The Indians were unusually troublesome along the wagon roads leading to the Black Hills, and were at times in comparatively large numbers. They were said to be from the Red Cloud and Spotted Tail agencies, with a sprinkling from other agencies. Their main purpose was plunder, in which they were quite successful, and though there was no lack of opportunity to kill, it appeared that they in most cases chose to refrain from resorting to it if they could get the stuff they were after by frightening away those who had it in charge. Four hundred Indians attacked a large freight cavalcade going into the Black Hills from Bismarck, in December, drove off the guards, and carried off large quantities of goods and such of the live stock as they could gather into a herd in a hurry. Some shots were exchanged, but no fatalities and none even wounded, according to the reports

of the freighters' crew, which numbered in the neighborhood of fifty. Another band attacked a large hunting party near the Bismarck route. A hot fight was reported. The Indians captured the camp finally; no whites were injured, but the hunters claimed to have killed three Indians. The redskins, however, forced the hunters to abandon everything, horses, mules, equipment, large quantity of game meat and all their camping paraphernalia, and these trophies of victory were borne away to the Indian villages. Other parties were robbed of their live stock, and ranchers were driven from their abodes and their household goods carried off. General Sheridan responded to appeals for protection from Black Hills communities, and troops were sent into the dangerous zone, but the Indians were able to continue their depredations for several months and must have amassed a large quantity of the spoils of war. A train of eight wagons were captured on the Niobrara route—the Indians took the horses and provisions, but spared the lives of those in charge of the train. The Indians, to a large extent, appear to have learned that the killing of white people was of no benefit to them and greatly exasperated the soldiers; whereas, the capture of a caravan of supplies and sparing the parties in charge was apt to invoke a favorable comment, as tending to prove that the redmen were not the bloodthirsty wretches so commonly supposed. This might have been due to the humane influences of the peace policy.

#### NORTHERN DAKOTA WHEAT FIELDS

In the early years of the settlement of the northern portion of Dakota Territory wheat farming was conducted on a scale surpassing in extent any similar enterprise in the history of our country. The name of "Dalrymple" has become interwoven with these colossal farms in Dakota from the fact that he was one of the best informed and experienced grain growers in the country, and had beside a daring enterprise that few agriculturists possessed when Dalrymple became famous for his colossal achievements in wheat production on the new lands of the territory. Fortunately Mr. Dalrymple's enterprise was one that the whole world felt like applauding, and he was lauded appropriately and without cost by the press of the country, and in this way Dakota gained an envious celebrity the country over for the excellence of its soil as a producer of the finest grades of wheat, which became known as "No. 1, Hard," and with that title Dakota wheat won its way to leadership in the great grain markets. In his great grain growing enterprises Mr. Dalrymple was associated with others who held leading positions in the directory of the Northern Pacific Railroad Company, and was thus enabled to control an empire of land. The governors of Dakota, as a rule, were quite proud of their realm and the achievements of the people, especially in the field of agriculture, and as early as September, 1877, Governor Pennington officially reported to the commissioner of agriculture at Washington his personal observations of the agricultural development of that section. He said in part:

Along the line of the Northern Pacific Railroad, west of Fargo for twenty miles or more, the wheat fields stretch out on both sides of the road as far as the eye can reach. At Casselton, eighteen miles west of Fargo, we could see six or eight steam threshers going in different directions, and we were told by the Messrs. Dalrymple that the yield ran from twenty-five to thirty bushels to the acre. One piece of 320 acres had just been threshed, by itself, and measured just thirty bushels to the acre. The Messrs. Dalrymple and those associated with them had 7,000 acres in wheat this year, and next year they propose to have 12,000.

The success of these gentlemen and others has caused great inquiry for lands, and the country is settling up with great rapidity. The country along the Red River of the North as far down as Grand Forks, a distance of seventy-five miles below Fargo, is pretty well settled, and everywhere the crops are splendid. Five thousand bushels of wheat per day were being shipped from Casselton.

To people who wish to engage in wheat growing no better lands can be found in the United States for that purpose than in Northern Dakota; in fact, there are millions of fertile acres all over the territory, and families who can come with small means and will work hard and manage well may soon render themselves independent.

Around Bismarck, in Burleigh County, while there is not much doing as yet in Burleigh County, we found small crops of splendid wheat and corn, and the most abundant vegetable



FATHER DU SALT MINE, BLACK HILLS



CUSTER CITY, BLACK HILLS 1877



GARDEN CITY BLACK HILLS, 1876



GAYVILLE BLACK HILLS 1877





crops. There can be no doubt that the lands of Burleigh County are well adapted to agriculture. Both Burleigh and Cass sent collections of their cereals, vegetables, etc., to the state fair of Minnesota, and it was a notorious fact that they were among the very finest collections exhibited there, and the largest and finest potatoes exhibited were grown near Bismarck.

The whole country along the line of the Northern Pacific Railroad is susceptible of improvement, will yield the means of subsistence and can be made to support a dense population. In my judgment the next quarter of a century will see it all well settled up. Besides the fertility and productive quality of the soil, coal of superior quality has been found in several localities in the neighborhood of Bismarck.

Very respectfully,

JOHN L. PENNINGTON,  
Governor.

#### COLOSSAL FARMS

The settlement of the northern part of the territory was inaugurated by farming enterprises on a scale unprecedented for magnitude in the Northwest, if not in the country generally, save Texas. In 1876 Mr. George W. Cass, president of the Northern Pacific Railroad Company, joined with Mr. Dalrymple, the king of wheat farmers in Minnesota, and opened a wheat farm near Casselton, about twenty miles west of Fargo, which contained 27,000 acres. They had 4,500 acres broken, and in 1877 planted this field to wheat, which produced an average of twenty-five bushels to the acre.

Dalrymple, with the Grandin Brothers, owned a tract of about twenty-five thousand acres at Elm River, in the then new County of Traill, where 3,000 acres were sown to wheat in 1877.

This celebrated Dalrymple farm was the property of General Cass, president of the Northern Pacific Railroad, and Messrs. Cheney and Grandin, when it began its career as a wheat producer in 1876. The farm of about eighteen thousand acres was valued, unimproved, at \$100,000, and Mr. Oliver Dalrymple undertook its management under an agreement that when one-half that investment had been realized from the soil he was to receive a deed to one-half the land. The third crop, raised in 1878, added to previous crops, netted the owners the sum of \$50,000, and Mr. Dalrymple then received the deeds entitling him to the ownership of 9,000 acres of the big farm, worth at this time over a quarter of a million dollars; but its value to the Territory of Dakota, and particularly to the northern part thereof, would be difficult to compute in dollars. It had proved the sterling character of the country as a food producing region of the best and most valuable class, and its unprecedented performance had gone out to the people of every civilized country on the globe, with the result that during the following decade nearly twice one hundred thousand immigrants, representing many nationalities and all of a desirable character, found their way to the northern wheat garden and founded homes upon its lands or within its thriving towns. The publicity feature furnished a lesson to enterprising men, and communities that has since proved of great value in every department of industry, and was possibly wisely designed for the purpose it accomplished in such a notable and remunerative manner.

Mr. Dalrymple had been an extensive wheat grower in Minnesota for several years before going to Dakota. His wheat farms were about twenty miles southeast of St. Paul, and covered about three thousand acres, and were named respectively the Grant, Sherman and Sheridan farms. Dalrymple had been a lawyer, and was a native of Western Pennsylvania, and came to Minnesota in 1856. His first big crop of wheat in Minnesota was grown in 1867, and amounted to 35,700 bushels. He sent it all to Milwaukee, paying 21 cents a bushel transportation charges, and sold it for \$1.60 to \$1.85 a bushel. These were war prices. His receipts were \$53,550, and his net profits \$14,500. He paid \$2.50 a bushel for his seed. In 1868 he raised 30,000 bushels, an average of twenty-three bushels to the acre. He began operations in Northern Dakota in 1875, in company with Gen. George W. Cass, president of the Northern Pacific Railway.

## A NATIONAL IMMIGRATION BUREAU

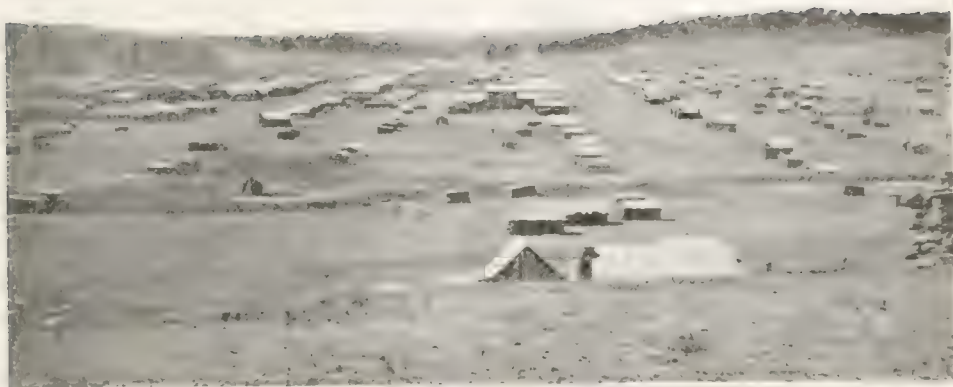
Possibly as an outgrowth of the Centennial Exposition of 1876, but not connected with it, was the organization of the National Immigration Bureau at Philadelphia early in 1877. Its president was Col. Lee Crandall, and it had representatives in every subdivision of the Union. Other officers were Judge O. A. Lochrane, vice president, and Col. J. C. Hess, general agent. There was also a vice president and general agent in every state and territory. Mr. West, of Yankton, was general agent of Dakota, and Col. A. W. Edwards, of Fargo, vice president.

The objects of the bureau were to collect and diffuse trustworthy information concerning the resources of the country and their development; to distribute the capital and population of the country proportionately to its natural resources and industrial advantages of the different sections; to furnish capitalists with the most desirable opportunities for safe and remunerative investments, and enable people of limited means to procure cheap homes and the laboring man to improve his condition.

The organization had secured possession of Machinery Hall used at the centennial, in which were arranged exhibits of the agricultural and mineral resources of the country in several territorial and state departments. The plan of the bureau was to make Philadelphia and its immigration bureau a national repository for information, of a practical and visible kind, for all people, native born and foreign, who wished to emigrate to any quarter, where they could receive absolutely reliable information regarding the natural resources and advantages or drawbacks of any section within the confines of the republic. The plan of the bureau was founded in part upon Horace Greeley's opinion, expressed a few years earlier, that every state and territory of the Union should be represented, at least once a year, in a great national agricultural and mineral exhibition—that such an institution, properly maintained, could furnish cheaply and accurately, all information desired by emigrants, and would prove a powerful agent in developing the wealth of the country, and in relieving cities of their needy population, which was ever abundant.

The plan was one that Dakotans warmly approved; it seemed to have been devised more particularly to meet the needs of Dakota than any other section of the country. The territory had held an annual fair at Yankton, in September, 1877, and Governor Pennington, always public spirited, with Sec. Isaac E. West, of the fair, arranged an exhibit of the most attractive articles shown in the home exposition, and shipped it to Philadelphia, where it was given a favorable location in Machinery Hall, and was admiringly viewed by many people. The Philadelphia newspapers reviewed the exhibits, and the Times, of October 31st, gave place to the Dakota exhibit as follows:

The articles from Dakota were shipped on the 10th and arrived at the hall on the 23d. They fairly represent the agricultural products of the entire territory, although most of them grew in the vicinity of Yankton and Bismarck, which are situated respectively in the southeastern and central sections. These exhibits are remarkable—some of them for their novelty and nearly all for their size. Among them are specimens of purple "rabbi," a sort of cross between the cabbage and the turnip. These roots are as large as a man's head, and grew about two miles north of Bismarck, in soil 1,800 feet above the level of the sea, and which is described as being a fair sample of that extending thence for hundreds of miles in every direction. They were raised in the open air without forcing, and from seed sown in the latter part of April last. The roots are transplanted like cabbage, which vegetable they resemble in taste when cooked. With them are shown a new variety of potatoes (Scotch Greys), weighing from ten ounces to a pound each, and which were planted June 23d and sent to the fair in September, being the growth of but ninety days. Hubbard pumpkins, from two and a half to three feet in diameter, and weighing from one hundred and thirty to one hundred and sixty pounds apiece; radishes from Burleigh County as long as a man's arm and as thick as his leg; strap leaf and field turnips nearly as large as a water bucket; "bushel" blood beets, one of which could not be forced without difficulty into the sleeve of a man's overcoat; and Early Rose potatoes as large as a ten-year-old baby boy's head, and which, according to the label, were planted on the 8th of May in unmanured ground, which had been



CUSTER CITY

Taken in the spring of 1876



FREIGHT TEAM ENTERING CUSTER CITY IN 1876





plowed but once and which produced 200 bushels to the acre. This ground is near Bismarck, and up to the 10th of this month (October) there had been no frost there since the 20th of April. Excellent yellow corn from Odessa, Yankton County, is shown, which was planted June 22d, and reached the territorial fair September 22d.

Dakota's Black Hills were opened to settlement in 1877, which explains the absence of a mineral exhibit.

In September, 1877, all Dakota prisoners were removed from Fort Madison, Iowa, where they were being kept under contract in the state penitentiary. There were thirty prisoners transferred, in charge of Millard A. Baker, sheriff of Yankton County; Secretary of the Territory George H. Hand, United States Marshal J. H. Burdick and Deputy United States Marshal Charles P. Edmunds. This change was made as a matter of economy; the charge for keeping the prisoners at Detroit being 25 cents per day for each prisoner, less than the price charged by the Iowa institution, resulting in a saving to the territory of about twenty-seven hundred dollars a year, or \$90 a year on each prisoner.

#### IMMIGRATION — CROPS

Immigration was quite active in 1877 both in the northern portion of the territory and through the central counties. The Sioux Valley was occupied, though not compactly, throughout its entire length; the public lands in the eastern tier of counties, from the mouth of the Big Sioux to the international boundary above Pembina, were largely exhausted. The Vermillion Valley was fairly well settled, and the James River to points north of Firesteel. Settlements had also been founded in the upper valley both north and south of Jamestown.

The immigration to the Black Hills continued in large proportions during the year, and it was also observed that a great many who had gone in the year previous, or early in 1877, were returning. They had not been able to "strike it rich," and had exhausted their purse. The placer mining districts had been overrun by gold hunters, and the best claims, those that would yield "gold from the grass roots to bed rock," had been appropriated. The poor man's treasure-house had been stormed and taken; henceforth, as a rule, it would require a fortune invested in equipment and development, in order to realize a larger fortune. A respectable number of the returning element settled in Eastern Dakota.

The farming season was favored by timely rains, and had it not been for one of the most destructive hailstorms that ever struck Dakota a beautiful crop throughout the settled portions of the territory would have been garnered. The hail stripped a belt nearly two miles wide and possibly fifteen miles in length, beginning in Turner County, thence south through Clay and its compact farming district, and thence through Union to the Big Sioux. No hailstorm equaling it in area and destructive force was known to the oldest inhabitant.

Governor Pennington, following a custom he had adopted, sent in a crop report to the commissioner of agriculture at Washington, Hon. William G. LeDuc, the last of July, 1877, and that official acknowledged its receipt, and added a brief comment, as follows:

It is very gratifying to have your statement of the crops in Dakota. It has been known for many years that the lower part of your territory was exceedingly fertile, but the doubt has been whether upon the high arid plains anything like a certainty of producing cereal crops could be obtained. I have in mind the transplanting of a large forest in that region, as also in the Grand Coteau of the Missouri, miles in extent, if authority and money can be obtained from Congress, in the hope of restoring fertility, which, no doubt, once made that a blooming and beautiful country. I wish the many poor of this city (Washington), and other cities East, could be induced to avail themselves of the advantages offered by your fertile soil. What can we do to persuade them to thus act for their own benefit?

The Black Hills, and the events leading to their being opened to settlement, gave to the Territory of Dakota much publicity throughout the United States. It was the most interesting theme in the news columns of our metropolitan jour-

nals for a number of years prior to the treaty of cession, and including that and the following year, and during that period the prairie lands of the territory were receiving population in numbers aggregating many thousands each year, each succeeding year exhibiting an increasing ratio.

The Sioux Valley was occupied its entire length; the Vermillion and its branches was quite compactly settled. Settlement along the James River had reached from its mouth to its headwaters, 400 miles in extent, and along the Missouri slope farms had been opened up as far as Fort Sully. North of the forty-sixth parallel the lands had also been largely taken along the Red and Cheyenne rivers, and on the Missouri slope in Burleigh County, south to the forty-sixth. And while the Black Hills had initiated the publicity, the fertile acres of the territory and the simple method by which they could be acquired at small cost also formed a substantial part of the information that was scattered abroad and found a wonderful response in the coming of 100,000 hardy, energetic and intelligent yeomen who sought Dakota for a home.

Concerning the Black Hills and the Bad Lands the public had much information many years before the Custer expedition of 1874. The Bad Lands were associated with the Black Hills by scientists and explorers, and the former was looked upon as much the more valuable from the standpoint of the geologist.

#### DEATH OF UNITED STATES ATTORNEY WILLIAM POUND—APPOINTMENT OF CAMPBELL

William Pound, United States attorney for Dakota, died suddenly on the cars, while journeying from Fargo to St. Paul, at a point called Akin, October 18, 1877. Mr. Pound had been afflicted with consumption for a number of years, and as is usually the case with that malady, had suffered through a number of serious attacks, gradually growing weaker and less able to resist them. His residence was at Yankton, to which point he was returning after attending court in the northern part of the territory. About the 1st of October, under the impression that a journey up river would prove helpful, he took passage on the steamboat Nellie Peck for Bismarck. His wife and eldest son accompanied him. He intended returning by boat, but as none were on the way down at the time, he concluded to come by rail, and was seized with a violent hemorrhage on the way, which had a fatal result.

Mr. Pound was born in Salem, Columbia County, Ohio, of Quaker parents, September 14, 1840. He enlisted in the Union army in 1861, under the first call for volunteers for 75,000 90-day men in the Seventh Indiana Infantry. On leaving the army he engaged in the practice of law at Ravenna, Ohio, and from thence removed to Greensburg, Ind., where for two years he published and edited the Greensburg Chronicle. He was married at the age of twenty-one. He came to Dakota in 1869 as private secretary to Governor Burbank, and was first appointed United States attorney for Dakota in 1870, and was reappointed in 1875. He had been a worthy citizen, was possessed of good ability, and was highly esteemed throughout Dakota.

He was succeeded in office by Hon. Hugh J. Campbell, of New Orleans, who was appointed by President Hayes, in November, 1877. Judge Campbell, as he was usually called, was a native Pennsylvanian, had resided in Iowa before the Civil war, had enlisted from that state, and had been a resident of Louisiana since the war closed.

#### COMMON SCHOOLS—SUPERINTENDENT CATON

The condition of the common schools at the close of 1876, as shown by the annual report of W. E. Caton, superintendent of public instruction, was quite encouraging. The report embraced reports from Burleigh, Bon Homme, Brookings, Cass, Clay, Davison, Grand Forks, Hutchinson, Hanson, Lake, Lincoln, Moody, Minnehaha, Pembina, Richland, Traill, Turner, Union, and Yankton

counties. No reports were received from Armstrong County (then the northern part of the present Hutchinson County), Brule, Lawrence (just organized), Stutsman, Pennington, or Custer, both of which had just been organized. The number of pupils between the ages of five and twenty-one years were: Males, 5,656; females, 5,390. Male teachers, 100; female teachers, 154. Average salaries paid teachers: Males, \$33.06 per month; females, \$29.50. There were 369 school districts in the territory. The average cost of tuition of each pupil was \$1.55 per month. Mr. Caton's was the eighth territorial report that had been given out. Thereafter the educational department of the territory grew rapidly, and was quite properly the principal public concern of the people during the remainder of the territorial era.



## CHAPTER LXXVIII

### PROSECUTION AND PERSECUTION OF INDIAN AGENTS

1878

GRANT'S INDIAN PEACE POLICY—ITS SUCCESSFUL ADMINISTRATION FOR EIGHT YEARS—AN IGNOBLE AND VICIOUS PLOT TO DEFAME IT—THE NEW ADMINISTRATION ASSAILS PAST INDIAN MANAGEMENT—WHOLESALE SUDDEN ARREST OF INDIAN AGENTS—THE CROW CREEK SUDDENLY "POUNCHED UPON" BY SOLDIERS—SECRETARY SCHURZ AND SUPERINTENDENT HAMMOND—THE PLAN OF THE PROSECUTORS—THE AGENT INDICTED, TRIED AND ACQUITTED IN EVERY CASE—A SKETCH OF A PORTION OF THE COURT PROCEEDINGS—EVER THE RIGHT COMES UPPERMOST AND EVER IS JUSTICE DONE.

#### MISSIONARY INFLUENCE WITH INDIANS

From the earliest occupation of this continent by the whites, the religious denominations, through their missionaries, had been represented more or less among all the Indian tribes—the Roman Catholic predominating; and the Quakers, led by William Penn, setting the earliest practical example of a peace policy for their government instead of a policy of war and retaliation, hence it was that these representatives of the cross had gained an ascendancy in the estimation of the savage and had to a great extent won their confidence. The Indians had realized the benefits which came to them through the wise and patient and self-sacrificing labors of these friends. No other class of white people who mingled with the Indians were possessed with a tithe of the influence which the missionary wielded, and while they were not able to prevent all wars and massacres, that they did so on many occasions is well authenticated. No one understood better than the faithful missionaries the character of the wrongs practiced upon the Indians by unworthy representatives of the Government, and none used this information with more wise discretion, always seeking to impress upon the Indians that their best course was to seek reparation for aggravating wrongs through peaceful channels; that a resort to war invariably left them in worse condition than the one they had expected to be relieved from.

The Roman Catholic representatives among the missionaries appear to have excelled other religious denominations in gaining the affection of the race, by their zeal and devotion; thus it is found that Selkirk, though a Protestant, favored the Romanists for his people in the Red River Valley, and it is also found that such leading chieftains as Red Cloud, Spotted Tail and Sitting Bull and many others demanded Roman Catholic missionaries. The Indians did not appear to understand that in this they were asking the Government to exceed its powers, for the Government appointed no missionaries and paid none. All denominations were free to come and go among them, and paid their own expenses, which as a rule were furnished by missionary boards who collected funds for this purpose.

President Grant was aware of the influence of the church with the Indian tribes, and he wanted to make it of greater service by enlisting it in the practical

work of the peace or industrial policy. He knew that his own party friends wanted the patronage of the Indian service, but he foresaw that to make progress with the new system partyism could not be relied upon. There seemed to be a logical reason that the religious denominations already possessing an influence for good—for peace, for industry—among the Indians should have charge of their temporal affairs as well, which would insure a greater zeal on their part to promote their civilization. It was a correct view, proven by eight years of practical trial, during which time the Indian was largely withdrawn from his wild life—the chase and the warpath—and brought under the influence of the industrial feature of the new system, though he may not have made the progress his over sanguine friends had predicted; and, as has already been stated elsewhere, this was partly due to the undetermined policy of the Government whether to colonize all the red people in the Indian Territory, which, if it could be done, it was conscientiously believed, would be the best for all concerned. But the most difficult part of the work was partially performed, and that was in separating the Indian from his accustomed hunt, war and indolence, and teaching him so much of the rudiments of manual labor in an enlightened industry as to largely remove his prejudice against it.

One hindrance to the more rapid progress of the peace policy had been the partially matured plans of the Government to gather the Indians of the country in one body in the Indian Territory, south of Kansas, and the establishment of some sort of territorial government for them. This plan is revealed in Commissioner Smith's speech to the Yanktons, and plainly urged in 1870 by the Black Hills Commission, who sent Spotted Tail and a large delegation of Sioux to the Indian Territory to investigate.

While the Indian peace policy of General Grant's administration, and the appointment of Indian agents on the recommendation of the churches, worked out results of surpassing benefit to the Indians, it was opposed by powerful influences because it was separated from party politics, and had arrayed against it the non-religious element of the country; also the strictly partisan element who believed that "to the victors belong the spoils," and also some of the religious denominations and those of anti church proclivities, who claimed it was bringing about too close a relation between politics and religion, or church and state, and they were apprehensive religion might suffer from such intimate association; and there was also the never-ending struggle of the War department to regain control of the Indian bureau.

The religious denominations were all represented among the several tribes, and understood more thoroughly than any other class the nature and character of the Indian, hence understood how to proceed best with the development of the new industrial policy, which had now reached that stage when its success was assured by a wise and common sense system in control of its progress—a wise and patient perseverance along the lines laid down which did not seek to make a white man of the Indian, but to make him a civilized Indian.

#### INDIANS APPORTIONED TO RELIGIOUS DENOMINATIONS

The apportionment of the various Indian tribes among the several religious denominations of the United States was quite impartial, as will be learned from a perusal of the following list, which was given out by the Indian bureau. The Sioux Nation had been made a Protestant Episcopal Bishop's see by the Protestant Episcopal Mission Board, and Bishop William Hobart Hare had been the missionary of that denomination working among the Sioux for a number of years, which probably explains why the great majority of the Sioux, who were all, except the Santees, in Dakota, were placed under the agents of that denomination with the exception of two tribes that were apportioned to the Catholics. The list follows:

The figures refer to the number of Indians belonging to the several agencies.

Friends (Hicksite)—The northern superintendency and the agencies therein, namely, Great Nemaha, 313; Omaha, 969; Winnebago, 1,440; Pawnee, 2,447; Otoe, 464; Santee Sioux, 965; all located in the State of Nebraska.

Friends (Orthodox)—The central superintendency and the agencies therein, namely, Pottawatomie, 400; Kaw, 290; Kickapoo, 598; all located in Kansas. The Quapaw, 1,000; Osage, 4,000; Sac and Fox, 463; Shawnee, 663; Wichita, 1,250; Kiowa, 5,490; Upper Arkansas, 3,500; all located in the Indian Territory.

Baptist—The Cherokee, 18,000; Creek, 12,300, in the Indian Territory. Walker River, 6,000; Piute, 2,500, in Nevada. Special, 3,000, in Utah.

Presbyterian—The Choctaw, 16,000; Seminoles, 2,398, in the Indian Territory. Abiqua, or Tiera Amarilla, 1,920; Navajo, 9,114; Mescalero Apache, 830; Tularosa, or Southern Apache, 1,200, in New Mexico Territory. Moquis Pueblo, 3,000, in Arizona Territory. Nez Perce, 2,807, in Idaho Territory. Uintah Valley, 800, in Utah.

Christian—The Pueblo, 7,683, in New Mexico. Noah Bay, 604, in Washington Territory.

Methodist—Huopa Valley, 725; Round Valley, 1,700; Tule River, 374, in California. Yokahama, 3,000; Skokomish, 919; Quintelt, 520, in Washington Territory. Warm Springs, 626; Siletz, 2,500; Klamath, 4,000, in Oregon. Blackfeet, 7,500; Crow, 2,700; Milk River, 19,755, in Montana Territory. Fort Hall, 1,037, in Idaho. Michigan, 9,110, in Michigan.

Catholic—Tulalip, 3,600; Colville, 3,349, in Washington Territory. Grand Ronde, 870; Umatilla, 837, in Oregon. Flathead, 1,780, in Montana. Grand River, 6,700; Devil's Lake, 720, in Dakota.

Reformed Dutch—Colorado River, 828; Pluma and Maricopa, 4,342; Camp Grant, 900; Camp Verde, 748; White Mountain, or Camp Apache, 1,300, in Arizona.

Congregationalists—Green Bay, 2,871; Chippewas, of Lake Superior, 5,150, in Wisconsin. Chippewas, of the Mississippi, 6,455, in Minnesota.

Protestant Episcopal—Whetstone (Spotted Tail), 5,000; Ponca, 735; Upper Missouri (Crow Creek), 2,547; Fort Berthold, 2,700; Cheyenne River, 6,000; Yankton, 1,947; Ogalala (Red Cloud), 7,000, in Dakota Territory. Shoshone, 1,000, in Wyoming Territory.

American Board of Commissioners for Foreign Missions—Sisseton, 1,496, in Dakota Territory.

Unitarian—Los Pinos, 3,000; White River, 800, in Colorado.

Lutheran—Sac and Fox, 273, in Iowa.

President Grant was succeeded by President Hayes, who had come into the presidency under strenuous circumstances. The reconstruction of the seceded states had been going forward and was about completed when Mr. Hayes was inaugurated. Mr. Tilden, the democratic candidate for President, had run so close a race that it was found necessary to appoint a special electoral commission to decide the result. The election in Louisiana had been of such a turbulent and lawless character that the ablest men of both parties found it beyond the scope of existing law to decide which of the parties had carried the state for President, and as Louisiana was decided the presidential office fell to the party that secured it. Many leading republicans, President Grant among the number, were quoted as believing that Tilden had carried Louisiana. For the purpose of settling the controversy a novel and most extraordinary compromise proceeding was resorted to. An electoral commission was formed composed of judges of the Supreme Court of the United States, senators and representatives in Congress, numbering in all fifteen persons, and while the commission was strictly non-partisan, it so happened that eight of its members had been known as republicans prior to their elevation to the eminent positions they occupied, and seven of the number had belonged to the veteran organization known as the democratic party. This commission was created by act of Congress and was har-



moniously accepted by all parties it was agreeable to the pacific and conscientious sentiment of the people of the United States. It was also constitutional, and the Supreme Court, by virtue of its membership of five on the commission, was thus committed to its constitutional soundness in advance. During the long proceedings of the commission, which were not private, the Louisiana election was very thoroughly threshed out, and as the investigation progressed questions arose which required a vote of the commissioners to decide; and in nearly every instance these questions, where they affected the vital issue at stake, had been decided by a vote of eight to seven—the eight republican members voting together and the democrats voting likewise; and yet this was strictly a non-partisan commission. Finally the testimony had all been taken, and the commission retired to make up its verdict. There was world wide speculation as to what the verdict would be, for the testimony had shown that the Louisiana election had been grossly irregular in many districts, and it might have been thrown out altogether but for the momentous issue which hung upon it. Finally the hour arrived when the commission was to vote upon the question as to which contestant, Tilden or Hayes, was entitled to the electoral vote of Louisiana, and when this vote was taken the result showed eight for Hayes and seven for Tilden. This lent to the verdict the color of a partisanship decision instead of the impartial and non-partisan opinion of a judicial tribunal. There was, however, general acquiescence in the verdict by all law-abiding citizens for the purpose of insuring **public tranquility and the stability of the Government.**

Much had transpired from the time Mr. Hayes was first nominated at Cincinnati by the National Republican Convention, continuing through the campaign, and including these electoral commission proceedings, to engender prejudice in the minds of Mr. Hayes' friends toward the administration of his predecessor, President Grant, and when he became President his cabinet was selected from a class of honest and capable statesmen who had been conspicuous in opposing many features of the policies formerly pursued. They were eminent men who had rendered valuable public service in the tented field and in important civic stations, but seemed to be theorists in many matters, and felt that with all the vast power they had succeeded to, and with such an inviting field for its display, they could accomplish great achievements in the way of Government reforms.

Mr. Carl Schurz, who was appointed secretary of the interior by President Hayes, conceived that he was especially gifted with the genius of reform, and resolved to test its capabilities first in reconstructing and bettering the prevailing **system of Indian management.**

#### SECRETARY CARL SCHURZ

Hon. Carl Schurz had not been friendly to the Grant administration, and this feeling, it was claimed, dated back to the Civil war when some of the military commanders did not receive all the credit they deserved—in their own judgment. He was a leading citizen of the great republic, a representative German of commanding influence in the republican party. His ability and probity were acknowledged and his private life unblemished.

It was an opinion shared by a number of his fellow citizens that he had come into his high office imbued with the prejudice and opinion somewhat prevalent since the early days of the republic that the conduct of our Indian affairs was criminally corrupted and had been so for many years (and this in face of the fact that the peace policy had been in practical operation for about ten years). There were always circumstances connected with the management of the Indians that gave color and support to such an opinion, and Mr. Schurz's first move was to probe the methods of the Indian bureau, particularly the methods governing and practiced at the several Indian agencies by the United States agents. But prior to this he appointed a commission of three competent gentlemen from the heads of three different bureaus in his department to investigate the Indian



service generally. This board performed the duty and made a formal report in November, 1877, wherein it claimed to have found abundant evidence of fraud and irregularities in the eastern purchasing and contracting division of the service, and some minor affairs not strictly in accordance with good business methods at some of the agencies, but made no mention of any in particular.

The writer knew Mr. Schurz personally, but not familiarly. He was in Watertown, Wis., in 1856-57, when Carl Schurz reached there from Germany, from which country he had escaped from the authorities, being charged with serious political offenses, but not of a character to discredit him in this country, and he had sought an asylum in America, in the Badger State, in the German City of Watertown, where resided his father-in-law, Colonel Jensen, and a brother-in-law, both highly respected citizens of the place; from which it will be properly inferred that Mr. Schurz was a married man. He did not appear to have a particle of vindictiveness in his make-up, and from that and his general bearing we are satisfied that he was not governed by such a sentiment when he advanced to the high office of secretary of the interior twenty years later. He had probably become thoroughly imbued with the largely prevailing sentiment, founded on tradition, that all Indian agents were dishonest. Everybody said so, and it must be so, and Mr. Schurz resolved to catch them at it, and thus win the confidence and regard of the great American people. Therefore, in his first annual report, made at the opening of Congress in 1877, he confidently declared that:

The office of Indian agent is a very responsible one, requiring high moral qualities and a superior business capacity; and a salary of \$1,500 a year, without a fair prospect of advancement, is, under ordinary circumstances, inadequate to induce men of such caliber to expose themselves and their families to the discomforts and privations of frontier life.

I do not deem the present machinery of the Indian service sufficient for the prevention and discovery of abuses and fraudulent practices. The inspectors and superintendents who are charged, among other things, with such duty have in but rare instances been successful in ferreting out the wily expedients resorted to by dishonest contractors or agents. To discover evidences of fraud and mismanagement by having an inspector visit an agency is like "catching birds with a brass band." What the Indian bureau needs, perhaps, more than any other branch of the Government, is a special service, composed of efficient agents, who, under the immediate control of the department, can move secretly, and pounce upon the point to be investigated without premonition. I venture to express the hope that Congress will not refuse the appropriation asked for to serve this purpose.

The present system of permitting religious societies to nominate candidates for Indian agents is, in some respects, undoubtedly an improvement upon the former practice of making appointments in the Indian service upon political grounds.

J. H. Hammond, of Iowa, had also been appointed superintendent of Indian affairs for Dakota, a position that had formerly, and up to 1874, been attached to the office of governor of Dakota. General Hammond arrived in the territory in April, 1877, accompanied by Preston Wolfe, his secretary. Hammond went at once into the country where the Indians and Indian agencies were located, to look over his field of labor. He had been a citizen of Council Bluffs, Iowa, and had been in the volunteer army, but his record in that field was not notable in any way. He had probably been selected for superintendent because of some supposed ability he possessed in the detective profession. Concerning his antecedents the following furnishes in brief all that was known of him when he reached Dakota:

He appeared in the United States army during 1862. He had a staff appointment, and was on some sort of duty about General Sherman's headquarters in Mississippi in 1863—a sort of upper clerk. Private soldiers were detailed to do duty as clerks. Mr. Hammond was apparently in charge of them in their clerical work. He was never on duty in the field, at least the record contains no mention of it. It was claimed that Sherman was dissatisfied with him because of some personal characteristics that were not pleasant, and turned him over to General Logan, where he was a clerk in Logan's headquarters for a time. His idiosyncracies of disposition found no favor with Logan, who had him transferred to some duty at Louisville, Kentucky, where he remained during the period of Sherman's famous march to the sea. At the close of the war he married a lady in Kentucky who was pos-

possessed of some property, and soon after set up as a capitalist, went to Chicago, Missouri, and figured in a railroad enterprise, which proved a profitless venture. From Chicago he went to Chicago, where he engaged in a savings bank enterprise, but without success. The next winter he was appointed by President Hayes, in 1877, as superintendent of Indian affairs of Dakota, Nebraska and Kansas, an office it would seem that had been recently revived, as there was no superintendent in Dakota at the time of his appointment.

He had his headquarters once in Yankton, which he abandoned in 1878. The society chums said of him that during his leisure hours in his office he was fond of telling them how he spent an afternoon with Grant; slept at the Soldiers' Home with Hayes; how for six weeks he ran the office of commissioner of Indian affairs; how he built railroads in the South; turned down thousands of acres of Kentucky land rather than pay taxes on it; how he lost \$1,000,000 in Missouri in one business transaction, and how he and Bill Sherman gave rebellion its quietus in the famous march through Georgia.

The attention of the reader is now, 1877 and on, called to the peaceable and prosperous condition of affairs on the frontier and among the majority of the Sioux Indians, known as "Agency Indians," embracing probably five-sixths of the 30,000 comprising the Dakota, or Sioux Nation—the result of the practical application of the peace policy through eight years of President Grant's administration. And though the Custer massacre had occurred, led by the incorrigible Sitting Bull, that awful tragedy was not due to any miscarriage of the peace policy, but to the hostility of his people to the building of the Northern Pacific railroad and the uncompromising hostility of the leader, the avowed enemy of the palefaces, whose boast was that he had never signed a treaty, never would, and every treaty the Indians had ever made was a fraud, unless every Indian of the tribe consented to it and signed it. And as an evidence that the forces under Sitting Bull were not of the class known as agency Indians, meaning peaceably disposed people who resided upon their reservations and were under the superintendency of their agents, it is only necessary to refer to the surrender of his forces some three or four years later, where it will be seen that the numbers who had then voluntarily come in and gave up their arms and ponies nearly equaled the number engaged in the battle of the Little Big Horn.

#### PLAN OF THE CONSPIRATORS

Accordingly, about the middle of April, 1878, in accordance with a plan for forestalling public opinion, an article in defense of General Hammond appeared in a leading Sioux City newspaper. The following paragraph taken from the article will show its purport. The article stated, in substance, that it was a presentation of the military and inspector's (Hammond's) side of the agency troubles up the river, and appeared the day following Hammond's arrival in Sioux City. The following is quoted from the article in question:

It is estimated that when the full details of the causes of the summary proceedings of General Hammond and Lieutenant Dougherty are given to the public it will create the greatest commotion ever occasioned in the western country; and men in high standing in the West, and in fact all over the country, will be implicated in one of the most gigantic series of swindling operations ever unrolled in the country. It is estimated that there are three or four millions of dollars ready to be put up against the life of General Hammond by parties interested in his taking away, and that the creation of the office of general inspector of Indian affairs, with its almost unlimited authority, and the appointment of a man of General Hammond's well known ability and tenacity of purpose to the position was for the very purpose of unrolling this very scheme of gigantic fraud. The nature of it is unknown to the public. The military is reticent, and the opposing party are said to be afraid to go a step to the real trouble, but it is said not to be confined to the Indian agents and their policies, but to pursue its ramifications into various walks of society. So dangerous to the experiment of unearthing and exposing these complications regarded that the friends of General Hammond have warned him not to move about without a guard, and Lieutenant Dougherty has been to St. Paul for the purpose of attempting to get relieved from his participation in the task without effect.

From subsequent articles in the same paper, and from a number of defamatory letters appearing in the Chicago Tribune, it was evident that General Ham-

mond had arranged a systematic plan to prejudice the public mind and prepare it for something exceedingly sensational.

#### CROW CREEK AGENCY SEIZED BY SOLDIERS

About the 22d of March, 1878, an extraordinary proceeding took place at Fort Thompson, the Indian agency on the Crow Creek Reservation, where Dr. H. F. Livingston had been performing the duties of United States Indian agent for nearly eight years, and been highly commended for the success which had attended his administration. The policy being pursued by the Government to win over the Indians to an industrial life and civilized customs was meeting with encouraging success among the 25,000 Sioux Indians who had been located on the Great Sioux Reservation, of which the Crow Creek Reservation formed a part by special agreement, and while it was the most difficult agency to administer and control, it had not been the theater of the least trouble for about ten years.

Doctor Livingston, the agent, had come to Dakota in 1865 from Davenport, Iowa. He was a young physician, a single man, and came west expecting to locate and practice his profession. He was a member of an excellent family. An elder brother was then a missionary of the Protestant Episcopal Church laboring in Turkish fields. The young doctor located at Yankton, then the capital, and entered upon the practice of medicine, though owing possibly to the healthful character of the climate he found abundant leisure. Early in 1867 he was appointed surgeon at the Crow Creek Agency, then in charge of Maj. Joseph R. Hanson, and remained at the agency in that capacity until 1870, being appointed United States agent early in that year, or in the closing month of the year preceding, by President Grant, on the recommendation of the bishop and the authorities of the Protestant Episcopal Church.

The other United States agents for the Sioux Indians in Dakota, appointed about the same time and similarly recommended were: James F. Cravens, Cheyenne Agency; Henry F. Livingston, Crow Creek; John T. Williamson, Flandrau, special; Edwin H. Alden, Fort Berthold; Henry E. Gregory, Lower Brule; James Erwin, Red Cloud, Pine Ridge Agency; E. H. C. Cooper, Sisseton Agency; James Lawrence, Lower Brules, Spotted Tail Agency; John G. Gassman, Yanktons, Yankton Agency, Greenwood.

And on the recommendation of the bishop and authorities of the Catholic church: James McLaughlin, Devil's Lake (Fort Totten); W. T. Hughes, Standing Rock Agency.

The agency at Crow Creek was regarded as the largest and most important of those on the Missouri River, and was peopled by the Lower Yanktonnais tribe largely, though a sprinkling of other Upper Missouri tribes drew rations there. In the list giving the distribution of the agencies among the religious denominations, and the numbers of each tribe, the Crow Creek Agency is mentioned as the Upper Missouri, and its population is set down at 2,547, which had been the number supplied from that agency under Major Hanson, but a new division had given a portion of these Indians to Standing Rock.

On the date above named the Crow Creek Agency was seized—"pounced upon," as Secretary Schurz expressed it—without notice, by a squad of United States soldiers, under command of Lieutenant Dougherty, who suddenly appeared, and thrust into the hands of Agent Livingston a paper containing the following, bearing date, "Headquarters of the Military District of Dakota Territory, March 15, 1878:"

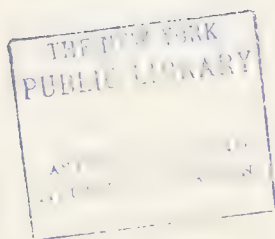
By direction of the general-in-chief, at the request of the interior department, the following named officers are hereby designated to act as Indian agents at the Indian agencies hereinafter named, to-wit: Capt. Theodore Schwan, Eleventh Infantry, Cheyenne Agency, Dakota Territory; First Lieut. W. E. Dougherty, First Infantry, at Crow Creek and Lower Brule, Dakota Territory.





FOURTEEN FOOT LIGNITE SLAM, ON LITTLE MISSOURI RIVER, NORTH  
WESTERN DAKOTA





This order was all that was given to Major Cravens at Cheyenne or Major Livingston at Crow Creek. There had been no intimation from the Interior department that they were to be superseded. The proceeding was without precedent. The agent at Crow Creek was suddenly confronted by an armed force, and, figuratively, told to "throw up his hands." He was allowed to take nothing with him but his wearing apparel. All the papers, public and private, or personal, that had accumulated during the eight years of his residence as the agent there were seized, together with everything belonging to the agency. No receipts were given for the public or private property. Not the slightest courtesy shown.

Nearly a year prior to the violent seizure of the Crow Creek Agency had been spent by Hammond in his quiet efforts to get hold of tangible evidence of Livingston's alleged rascality, and in the meantime he had become quite intimate with Lieutenant Dougherty, who was stationed at Fort Hale, nearly opposite Crow Creek, and the twain were occasionally in conference.

The agency at Lower Brule, on the west side of the river and a few miles below Thompson, was taken possession of in the same manner a few days later by Lieutenant Dougherty during the temporary absence of the agent, Maj. H. E. Gregory, who on his return found himself homeless, with all his private effects as well as Government property, in the possession of the military. Dougherty exhibited his orders, and informed Gregory that he was removed. The seizure here, as at Crow Creek, included not only the agency property, but all of the agent's personal and private letters and other property.

Some twenty days later Gregory's private papers were returned to him, and he was informed there were no charges against him, but he was removed. This was the end of the matter in Gregory's case.

The trader at Crow Creek (Fort Thompson), E. E. Hudson, had about twelve thousand dollars worth of merchandise in his store. This was likewise taken forcible possession of, together with the trader's private papers. It was evident, from the seizure of the private effects and correspondence of the agent, that the responsible authorities who had authorized the seizure expected that some astounding disclosures would follow a summary seizure and an investigation of the papers of the former officials, and it now transpired that the superintendent of Indian affairs for Dakota, Gen. J. H. Hammond, had been nosing about the agencies and privately conferring with the employes for over a year, and he assumed that he had in this way discovered a scandalous state of affairs, which, however, could not be proved and punished, unless the agents were taken by surprise with the stolen property in their possession and the proof of their turpitude laid bare in their private correspondence.

The seizure of the trader's stock was presumed upon the theory that in his stock would be found many thousand dollars worth of stolen Indian goods. It had been taken for granted that the Indian trader made his money by stealing the goods furnished by the Government for the Indians and then selling them to the Indians. But in this case there was not so much as a string of beads or a yard of cloth in the trader's stock that he had not proof of purchase in his invoice bills; and all these papers were in Hammond's custody and in charge of the military people, who were practically acting under his direction.

Livingston made an effort to institute legal proceedings for the purpose of recovering his personal property, and also to compel Dougherty to receipt for the public property, and remained on the agency after his removal, and sent for Attorney S. A. Boyles, of Yankton, to initiate proceedings, but upon the attorney's arrival at the agency he was notified by Agent Dougherty that civil law had been superseded by military law at the agency, and no legal proceedings would be recognized coming from the civil courts. Hammond had now become a resident, practically, at Crow Creek, and refused to permit any legal papers to be served on the agency soil. After making this effort Livingston was ordered to remove from the reservation, which he did, returning to Yankton.

It became evident that in connection with the seizure of the agencies there had been a plan premeditated to give a biased account of the affair to the public through certain newspapers in Sioux City and Chicago, for the remarkable proceedings pursued by authority of the Government were sufficient to awaken widespread interest, and Hammond evidently believed that there would be some advantage in having the public opinion in favor of the arbitrary course pursued by giving out an exaggerated statement, impliedly founded on fact, but having not the slightest foundation except the suspicions of Hammond and Dougherty, which were never nearer confirmation than they were the day the seizure was made.

#### FARMER BROCKMAN'S STATEMENT

Congress was not necessarily in sympathy with the radical plan of the new secretary of the interior, but its members were annually treated to about the same character of complaints about the Indian service that had come to Mr. Schurz and controlled his action, and was ready to support any policy that would correct the abuses. The Crow Creek administration had been singularly free from these abuses for ten years, so much so that General Sherman, in his annual report for 1878, significantly excepts it from his list of the agencies whose agents were unable to keep their Indians under control, and the reason for this may be found quite largely in the public statement made by Henry Brockman, the farmer at Crow Creek under Livingston. Brockman was a very plain and candid man and of irreproachable character. He had been selected for his position by the consent of the church officials, who were largely responsible for the moral as well as the physical well-being of the Indians over whom they exercised supervisory control, and kept a close scrutiny of all their agency affairs. No neglect or abuse or wrongful act could have taken place without coming to their ears. Mr. Brockman stated:

The agency was suddenly seized on the 22d of March by Lieutenant Dougherty at 1 o'clock in the afternoon, Doctor Livingston having no previous intimation that forcible possession was to be taken. Lieutenant Dougherty and Durfee were accompanied by a squad of six soldiers. The keys to all the buildings and corrals were turned over that afternoon. A military guard was placed in the office and a military patrol walked about the enclosure.

Mr. Brockman stated that he had occupied the position of farmer at the Crow Creek Agency for the past five years. The Indians have been well cared for in every respect. "Seven years ago," he said, "there was not an Indian home upon the reservation, and now almost every Indian family is provided with a comfortable log cabin. The Indians have been well fed and well clothed, have been taught to work and are generally a contented people. No war parties have gone forth from this agency since Doctor Livingston took charge, and this is good evidence that their physical wants have been well looked after. Nine or ten years ago these Indians were a bad lot, and the progress they have made speaks well for Livingston's management."

A few days afterwards General Hammond arrived, and by his orders Mr. Brockman was arrested and taken to Brule Agency, on the opposite side of the river, and placed in the guardhouse. He was taken in custody by two soldiers and was told that his arrest was made on the charge of selling Government property. This was the last, however, that he heard of this charge. He was kept in the guardhouse two nights and one day, and during this time his deposition was taken. The object of these summary proceedings seemed to be to induce him to make statements derogatory to Dr. Livingston. General Hammond visited him and urged this matter upon him, saying if he did not tell the truth he would be a dead man. He was questioned about past contracts, particularly those for cutting hay. His deposition, when finished, contained no matter of any importance in sustaining any charges of wrongdoing. He was then released from the guardhouse, but was not permitted to go away from Brule Agency for a week afterwards, when he was placed under military escort, conducted to Fort Randall, and there released. His instructions were to get out of the Indian country.

(Brockman's deposition was never presented during any of the subsequent trials by the prosecution.)

It will be observed that all of these alleged offenses which were made the basis of the indictments found, nine in number, were based on transactions entirely disconnected with the papers and property seized. They were connected with transactions between Livingston and other parties, including Indians, and running back through the entire term of the agent. It seems that Hammond and Dougherty had been made aware of the failure of the seized papers to disclose any criminal acts, and had gone carefully through the agency transactions, and, closely questioning the agency employes and the Indians concerning each transaction, had been able to collect in this way the material upon which a grand jury, which hears but one side of a case and allows no opportunity for explanation to the defendant party, could base an indictment. The testimony and incidents of the trial reveal this, and reveal also that Dougherty had coached his Indian witnesses in regard to the evidence they must give.

A newspaper correspondent, J. N. Rea, representing Chicago journals, was maintained at Yankton during the grand jury investigation of Livingston, and later during the trials, who sent out reports prejudicial to Livingston almost daily, receiving his information largely from the United States attorney who was the lawful counselor of the grand jury. Rea telegraphed in advance of any trial that the evidence against Livingston was voluminous, and that General Hammond, the Indian inspector had been before the jury two days. Also, that there were 140 witnesses summoned nearly all in the Indian cases. There were fifty Indian witnesses who had come with their tepees and other paraphernalia. Besides Livingston, every effort was to be made to indict his clerk and trader, and several parties at the Lower Brule Agency who were upset the same time Livingston was. This Mr. Rea was called the "spy of the grand jury room," as he was quite intimate with United States Attorney Campbell, with possibly Hammond as the go-between.

The United States court which convened in April, 1879, took up the trial of the Livingston cases early in the session, the first one being on an indictment charging him with issuing a false and fraudulent voucher. The petit jury for the trial of the case was composed of Lucius Kingsbury, John A. Stafford, David B. Conway, Thomas S. Peck, Charles Boerig, Robert Z. Barnett, Elijah S. Mosher, George Bolles, Thos. H. Abbott, Edward B. Cushman, Otto Holthe, Peter Burgland.

The cases were tried in the Second Judicial District Court, held at Yankton; Chief Justice P. C. Shannon, presiding. The first trial was called April 15, 1879. The indictment was for falsifying a voucher for \$111.00.

The facts of this case were something like this: In an emergency steamboats had landed some Indian goods for Red Cloud Agency on a sandbar. Red Cloud Agency had been located on the west side of the Missouri River on Medicine Creek, a few miles below Crow Creek, and Livingston had been given temporary charge of it, it having been only recently established at that point, and the Red Cloud Indians at Pine Ridge had been required under the Black Hills Treaty to receive their supplies there where they could be conveniently landed from the steamboats, but President Hayes had already promised them that they might return to the interior of the reservation the following year, which gave to the Medicine Creek Agency a temporary character. In order to save the goods Livingston found it necessary to have them removed from the sandbar to the Medicine Creek Agency, and for this purpose he employed four or five men with teams. He paid \$3 a day for teams, and \$1 a day for each man. The charge of these parties, all told, amounted to \$111.00. Sam Demans was the only one among the parties so employed who could write, therefore Livingston had the voucher made in Demans's name for all the men, which was an ordinary way. When the voucher was returned from Washington, a draft for \$111.00 accompanied it.



Demans endorsed the draft, and the money was fairly divided among the four or five men entitled to it.

The jury returned a verdict of not guilty.

This was the first case and was selected by the prosecution as the strongest. If a conviction could have been gained in this case it would have been a great moral as well as legal victory. The jury after retiring, returned into court for further instructions as to the first two counts of the indictment. After receiving which it retired and in fifteen minutes returned with their verdict of not guilty.

The evidence showed a perfectly straight transaction; but the prosecuting attorney endeavored to magnify the signing of the voucher or draft into an act of forgery because Demans had signed his name differently to other papers. Demans was not a lettered man and it is doubtful whether he could write more than his name, which he wrote Demans and sometimes Demasn. He signed the papers under the direction of Agent Livingston. There was not the slightest evidence presented showing forgery.

This case exposed the weakness of the prosecution, for it had been heralded over the country (see the excerpt from the Sioux City paper), that there had been the most monstrous frauds committed at Crow Creek under Livingston amounting to scores of thousands, and here it was discovered that this strongest case did not pretend to charge any fraud whatever, nor any offense by which the Government or the Indians were to lose a penny. It was simply a desperate attempt on the part of Hammond and Dougherty to throw dust in the eyes of the public. It was a most villainous attempt to blacken an innocent man's character and the prosecuting attorney for the United States and the judge could hardly fail to observe it.

The second case was one that charged Livingston with collecting \$225 on a voucher running to John Flury, agency herder, in 1873, and that of this sum Flury only received \$111. The alleged transaction had taken place six years before the trial, and was outlawed, which Prosecuting Attorney Campbell must have known when he permitted the grand jury to find the bill, but he had another purpose in view. The trial proceeded until the prosecution had introduced all its evidence, which must have been of no value, for the prosecuting attorney then arose and abruptly stated that the case was outlawed under the law of limitation, and suggested that further proceedings be dispensed with.

To this the defense strenuously objected to being thus shut out, as it had abundant evidence to prove the innocence of the defendant, and urged that it was due the defendant, he having been publicly charged with a crime, to show the falsity of the charges.

In sustaining the prosecuting attorney, the judge stated that he was not concerned about the feelings or the character of the defendant and it was useless to take up time with a case that had no foundation. He instructed the jury to return a verdict of "not guilty." It was evidently the expectation of the prosecution, in this case, that Livingston would avail himself of the statute of limitation, and thus secure an acquittal, which would have been heralded to Washington and to the newspapers as a virtual victory for the prosecution. That Livingston, afraid of the exposure which a trial would have brought out, sought refuge behind the statute of limitation, and as the trial progressed until United States Attorney Campbell discovered that he had no case (which he probably knew beforehand), and no plea coming from the defendant concerning the outlawed character of the case, the prosecution, to choke off the defendant's testimony, was obliged to make use of the plea, and the court took the prosecutor's view of it.

Further quotations could be made from the three succeeding cases that were tried during this and the succeeding term of court held in the spring of 1880, but the reader may feel assured that none of them reflected upon the official conduct of the agent nor upon his personal probity. He was acquitted by the unanimous verdict of the jury in all save one case, the charge in which had been reduced by the prosecuting attorney from forgery to a misdemeanor. In this case under

the strict ruling of the judge, the jury disagreed, the point at issue being whether the agent had followed strictly the instructions of the Indian bureau; but on the second trial of the same cases the agent was not only acquitted, but congratulated by the jury. Attention is called, however, to the important fact, that instead of the monstrous frauds which the public were led to expect from the newspaper articles which preceded the confiscation of Livingston's official and private papers, the entire amount of money involved in the five cases tried would foot up less than one thousand dollars, and the testimony was clear that every dollar of it was paid to the parties entitled to it.

It was a growing sentiment in the public mind that the "Livingston cases" were aimed at the Grant administration to show corruption in the Indian service. One of the Interior Department witnesses was said to have made a statement that one purpose of the court proceedings was to support the charge of Secretary Schurz, that the former administration had been flagrantly corrupt.

For these cases the witnesses were brought down to Yankton by private conveyances; the distance was not far from 200 miles, and their expenses paid while detained at Yankton, and then returned to the Crow Creek country. This expense the Government paid for its prosecuting witnesses, but Livingston was obliged to bear the burden of those subpoenaed at his request as well as the expense of the officers who performed the subpoenaing. It was a very heavy burden, for nearly all the cases occupied more than a week to each, and some of them two weeks. The prosecution possibly had this feature of the cases in mind as one circumstance that would prove to be in their favor.

The seizure of Trader Hudson's store was a sagacious move, according to the plans of Hammond. Livingston had been for three or four years surgeon at Crow Creek Agency before he became agent, having been appointed surgeon by Governor Faulk, who was ex-officio superintendent of Indian Affairs; and Hudson had been first trader's clerk, though practically in charge of the whole business, from 1866 to 1869 when he purchased the stock of Maj. F. J. Dewitt, the former trader, and thereafter conducted the business under a license issued to himself. Hammond and Dougherty knew enough about frauds at Indian agencies to know if there was fraud, the place to find it, unfailingly, was in a collusion between the agent and trader, and by "pouncing upon" them both at the same time—securing all their goods and all their papers, public and private—they would have all the evidence needed to sustain the monstrous frauds foretold the year before in the Sioux City paper following the passage east through Sioux City of Superintendent Hammond.

No indictment was found against Hudson, but he was arrested on a complaint filed with United States Commissioner Congleton, charged with forging two vouchers. The case was heard by the commissioners. The information had been filed by Lieutenant Dougherty, charging that in October, 1875, Hudson fraudulently signed the name of James McGarry to a voucher and procured the money from the Government. James McGarry, the principal witness, testified in substance that he was employed as carpenter at Crow Creek Agency in the fall of 1875, and about October 8, he received a proposition to go to another agency. When he left Crow Creek the Government was owing him something over one hundred dollars for services, and the agent had no funds to pay his claim. Hudson, who was then managing Major Dewitt's store, advanced the money due him, and McGarry authorized him to receipt to the Government for the amount advanced, when pay-day arrived. Hudson accordingly signed the name of James McGarry to the vouchers, and received his money at the quarterly settlement. This is in substance what McGarry swore to.

Dougherty was then called as a witness. All he could say was that McGarry had made affidavit to certain statements before him, and that he (Dougherty), had embodied those statements in the complaint.

(This case would have been outlawed had Hudson cared to plead the privilege, but knowing the facts he was determined to have it fully investigated in order

to show up the "bull-dozing" methods Dougherty and Hammond had been pursuing at Crow Creek in order to find pretexts for charging criminality.)

Dougherty must have known it was outlawed, and may have expected Hudson to plead this in order to escape investigation.

It will be observed in this case that McGarry had made no complaint against Hudson, but he had been approached by Dougherty and asked about the transaction. And Dougherty, who was called as a witness, was obliged to testify that he had made the complaint himself after his conversation with McGarry, and finding grounds, as he supposed for a charge of forgery when he learned that Hudson had signed the receipt for the money as instructed by McGarry.

Dougherty, at this trial, also presented a number of other signed vouchers, twenty-two in all, where Mr. Hudson had signed the names of H. D. Booge & Co., and F. J. DeWitt, the traders. At the time the vouchers were made these parties were proprietors of the trading store, and Mr. Hudson was their manager and had authority to sign their name. It would seem that in this matter the prosecution had entirely lost its head, and desired only to breed some sort of a scandal.

The United States commissioner, after listening to an exhaustive investigation, conducted on the part of Dougherty by United States Attorney Campbell and his assistant, I. E. West, decided that there was no foundation for the case and dismissed it.

The value of the goods belonging to Hudson that were "pounced upon" by Hammond and Dougherty, was about thirteen thousand dollars. They were taken to Yankton and stored by the Government. The flour and hides were sold by the Government for \$3,000 and the money withheld.

Mr. Hudson visited Washington in May for the purpose of having his goods released, as a valuable portion of them were deteriorating in value. The commissioner of Indian Affairs openly insulted him when he stated his business, accusing him of being connected with murders and various minor offenses. Mr. Hudson had been a resident of Illinois, and enlisted from that state and served during the Civil war. He had been introduced at the Interior Department and the Indian office by United States Sen. David Davis of that state, and by Delegate Kidder, of Dakota, also. A member of the House from Illinois told him that "if he was an honest man, he was to be pitied, as it was the honest men who suffered now-days."

Mr. Hudson had also been ousted from the postmastership at Crow Creek, and he visited the Postoffice Department where he was well received, his explanation listened to, and he was reinstated in the position.

It was presumed that the Government contemplated procuring authority from the courts to authorize the confiscation of Hudson's stock, as a penalty for trading without a license, but as the proceedings advanced, Hammond and Hayt fell into disrepute and were turned out of office, and the vindictive policy was abandoned, completely vanquished. Hudson was finally able to have the remainder of his goods sold at a sacrifice, and received whatever they brought, but he was subjected to a loss of several thousand dollars, and had no recourse.

Such an inquisition under such circumstances might have been worth the while if in the end the victims had been rewarded for the integrity shown in their long public service and the people been made acquainted with the truths brought to light by the inquisition, and the persecuted parties restored to their places with the commendation of the Government for their faithful and efficient service; but such deserved vindication was denied. Defeated, baffled, and demoralized at every point, their calumniators and persecutors sought to leave a taint of suspicion by abandoning some untried cases, on the implied plea that the popular prejudice was too strongly in favor of the accused to secure a just verdict. The remainder of the cases, whatever they were, and they must have been more flimsy than those which had been given the preference, were never brought to trial; the indictments were quashed a year or more later; and the accused agent left to bear the financial burden of an expensive contest involving the transporta-





THE DAKOTA COYOTE.  
Monarch of the wild prairie.



MR. AND MRS. MICHAEL FISHER

Pioneers of Yorkton County. Mr. Fisher was one of the first justices of the peace in the territory.



EMORY GUILD AND BEN ASH

Founders of the city of Yorkton in 1877.





tion and keeping of scores of people from distant agencies whose testimony was wanted to clear away the fog which the prosecution was an adept in producing.

The United States grand jury that had been summoned for the spring term, 1879, was rather abruptly discharged on the 12th of April, and a local paper, commenting on the event, said:

We know no reason for the involuntary and unreasonable discharge of such an exceptionally able, impartial and fearless jury, but we can do no harm in stating that the prevailing opinion about the city is that they were about to begin an inquiry into allegations of criminality made against General Hammond and other officials, which proposition did not meet the sanction of the United States district attorney, hence their summary discharge.

This was claimed to be the prevailing opinion regarding the abrupt and unnecessary winding up of the grand jury proceedings, and no denial of it was made by the members of that body, though their oaths required them to keep secret the proceedings within the grand jury room, which they were inclined to do. Hammond, at that time, was at the beginning of the end of a singularly torturous career.

During these court proceedings a vacancy occurred on the board of education of the City of Yankton, and the city council, as an evidence of its confidence in Doctor Livingston and as an acknowledgment of the esteem in which he was held, elected him by a unanimous vote to fill the vacancy.

The petit jurors in these Livingston cases were from all sections of the territory. The reader who was acquainted in the territory at the time will recognize names from Brookings County, Lincoln, Beadle and other counties. These jurors were summoned by the United States marshal and the method was the same as the one still pursued, which was to take one or two from a county, seldom more. No partiality was extended to the county where the court was held. There was no charge that the juries were "packed," but the prosecuting attorney, Campbell, alleged in his affidavit for a continuance, that there was a prejudice against half breed and Indian evidence, and if it was practicable to print this evidence herewith, the reader would doubtless share the prejudice. From one to two weeks were consumed in taking the testimony in each case.

The proceedings in these cases attracted widespread attention. Witnesses were brought from Washington, as well as from the various Indian tribes; from the half breed people; from all the disgruntled elements which make up the hangers on about Indian agencies. The trials were the culmination of a year or more of plotting, followed by the sudden seizure of all the private property, letters, and documents of the agent, Livingston, as well as the trader, Hudson, the purpose being to get absolute control of every avenue where a shred of implicating evidence would be likely to have an abiding place, and leave the accused parties no opportunity whatever to secrete or destroy such implicating evidence, so that having their victims by the throat thus ensnared, the exposure of their perfidy could be made undeniable and complete, and the transgressors brought before the bar of justice, where they could be confronted with their iniquities, convicted, disgraced, and adequately punished. And it was most remarkable that with all this secret plotting, with complete control over the persons and effects of those they sought to defame and punish, after ransacking to the utmost the correspondence seized in such manner, and obtaining interviews with scores of people with whom the agent had transacted the ordinary and important business of the agency for many years, many of whom may have been afflicted with a grudge, they were still unable to sift out the slightest semblance of dishonesty or wrong doing; but on the contrary only proved to the unprejudiced world that their official as well as private and personal transactions had been throughout, clean and upright, untainted by either legal or moral wrong doing. Even the majority of business men, of unquestioned probity, conducting a business of their own through a series of years, would not wish to invite such an abrupt seizure of their personal effects and private business

correspondence, to go before an unfriendly inquisition without explanation, and upon the result of such investigation risk their reputation for honest dealing and straight forward business methods; and the disadvantage is not lessened in the case of an Indian agent remote from civilization, transacting the daily and complicated affairs of thousands of uncultured people, where the liability to mistake and to misunderstand is largely increased.

The War Department, which had not given up its fight for the control of the Indians was not averse to lending its aid to oust Indian agents appointed by the civil authority, or in exposing them in their unlawful practices. The defendant in this case appears to have been opposed by both the Interior and Judicial departments of the Government, who were apparently governed by a preconceived belief that being an Indian agent he must be a rascal; which opposition became more pronounced as the several indictments were prosecuted, and one after another of the trials ended with the verdict of "not guilty." The zeal of the prosecution seemed to increase with each failure to convict, until the personal element of prejudice became quite conspicuous. It finally appeared that the local prosecuting machinery felt that its standing at the departments in Washington would be seriously and detrimentally affected if a conviction on some of the numerous indictments was not secured. Witnesses were sent on from Washington, who during their sojourn betrayed the desire of their superiors for conviction, and paid correspondents were present connected with the metropolitan newspapers who daily sent out gross misrepresentations of the evidence submitted. It was not known, however, that the local prosecutors were held responsible at Washington for the ignominious termination of the suits. That was attributed to the vicious public sentiment prevalent in this portion of the West. Certainly the local prosecutors made every effort to convict, and were openly charged in court with the most unscrupulous conduct, and yet they failed in every instance to establish the slightest criminal charge, though they succeeded in burdening an innocent man with a load of anxiety that seriously affected his health, and compelled him to spend much time and a large portion of his worldly wealth, to defend the several suits.

Hammond continued in the Indian service for some time after these court proceedings and the supposed temporary discontinuance of the prosecution, for at that time there was no hint of the abandonment of the remaining cases, but Hammond's activities were transferred to other territories, Utah being one. It was while thus engaged that a serious controversy and disagreement occurred between Commissioners Hayt and Hammond, and the latter disappeared entirely from Government employment. He was next heard from in Manitoba, where he was promoting a railroad enterprise. In the course of his business he visited Ottawa, Canada, while parliament was in session, and was given the privilege of the floor. He claimed to represent the Manitoba and Southwestern Railway. His conduct became offensive. He had an altercation, resulting in a fist fight, with a member, and the result was that the speaker ordered his arrest in case he made his appearance upon the floor again. He was also forbidden entrance to the House or grounds. Hammond claimed that the member struck him first, and he had to defend himself.

About four years had elapsed since a number of parties, to-wit, H. W. Bingham, agent, Robert Cox and J. C. Robb, traders, Kirk and Lowe, J. Lawler and others, were indicted for various offenses while serving the Indians at the Cheyenne Agency. (Bingham preceded Cravens as agent). They were indicted on charges made by J. H. Hammond, the superintendent, in 1879. In April, 1883, at a term of the United States Court at Deadwood, no trial having been undertaken, United States Attorney Campbell moved that the several indictments against these parties be dismissed, and ordered erased from the docket, which motion was granted by the court, W. C. Church, presiding judge.

Indian Commissioner Hayt was indicted by the grand jury of Hudson County, New York, charged with defrauding the public through the medium of the

International Trust Company of Jersey City, in 1879. The charge was, as president of the company, he knew his company was insolvent, but at the same time solicited the deposits of children and laborers. The trust company did an insurance business and operated a savings bank, and had been closed as insolvent. Hayt was acquitted on the trial of the case.

A few months later the following official document appeared in the telegraphic columns of the newspapers:

Washington, D. C., January 29, 1880.

Sir: It has become my duty to inform you that the public interest demanded by you in the commissionership of Indian affairs, and that your further services in the office are dispensed with.

C. SCHURZ,

Secretary of the Interior.

To E. C. Hayt, Washington, D. C.

William J. Vance, of West Virginia, was appointed commissioner of Indian Affairs, to succeed Mr. Hayt.



## CHAPTER LXXIX

### INDIAN TROUBLES ON THE RIVER JAMES

1878-79

INDIAN WAR ON THE JAMES RIVER—DRIFTING GOOSE A TROUBLE MAKER—SETTLERS DRIVEN OFF AND SURVEYORS COMPELLED TO QUIT—DRIFTING GOOSE HAS PALE FACED FRIENDS—GENERAL SIBLEY WRITES A LETTER—THE INDIANS CLAIM THE LAND WAS NEVER CEDED—JUDGE KIDDER'S IMPORTANT DECISION THAT THE SIOUX SURRENDERED THE LAND BY THE TREATY OF 1868—PRESIDENT HAYES GRANTS THE INDIANS A RESERVATION AND THE WHITES ARE ALARMED—THE FIRST MAIL SERVICE FROM YANKTON TO JAMESTOWN.

Serious trouble with the Indians was encountered by the early settlers of the James River Valley north of Firesteel, and particularly those who came into the country in 1878-79 and 1880, and made settlement in Spink and Beadle counties. These immigrants came in quite largely through the Kampeska or Watertown gateway, and took up lands along the valley that were then being surveyed.

To understand the conditions existing at the time the reader should be reminded that as early as 1863, before there was a white settlement in that section, the "dirt lodges" on James River had acquired a notoriety as the abode of a comparatively numerous body of Indians, presumably from Minnesota, who had built a number of substantial dirt lodges on the banks of the James River in Township No. 117, probably, as subsequently surveyed, some of them large enough to accommodate seventy-five or one hundred people. (See this history for the year 1863 for full description.) This village was occupied by the Indians and their families, and had probably been in existence a score of years. A small farm was cultivated by the squaws, some corn, squash, pumpkins, potatoes, and other vegetables produced. Whatever may have been the original purpose of the founders of this village (it was called the "Dirt Lodge Village"), at the time Dakota was opened to settlement and the serious trouble with the Indians began in 1862, it was known as the rendezvous of hostile Indians, who in small bands infested the settlements, plundering the settlers and on occasions committing atrocious murders. As these depredations became known, the military people who undertook to pursue and capture the perpetrators, would almost invariably trail the retreating band to the dirt lodges, to find there a number of old men, also squaws and papooses, who would know nothing of any war parties, but were there leading a peaceful and quiet life, very much annoyed at the coming of the pale-faced soldiers, and drawing rations and other supplies from some of the Indian agencies or supply depots in Minnesota. No warrior Indians were ever discovered there, but a lookout station erected in the village indicated that the warriors were enabled to detect the approach of a hostile force when many miles distant, giving them ample time in which to seek a safe refuge. This village occupied ground near where the earliest settlement of Spink County



HENRY B. WHIPPLE

Bishop of Minnesota and famous Indian missionary



CHARLES N. HERRIED

McPherson County pioneer of 1882



JUDGE A. W. CAMPBELL

Pioneer and prominent lawyer and jurist of Brown County



HERMANN ELLERMAN

Yankton County pioneer



was afterward made, and was said to have been known as the Jim River crossing by the early itinerant Indian traders. It appears to have been practically abandoned by the Indians and possibly partially dismantled before the whites came in; and as the settlers came and took up land the village plot was included by some of these in their pre-emption or homestead. It does not appear that the Indians made any claim to the ground occupied as their village, based on their right of occupancy, but having no further use for the rendezvous at that point, voluntarily abandoned it.

Among these warrior Indians, inhabitants of the old village, were a number who held the "old camp ground" in grateful remembrance: "though lost to sight — to memory dear." A number of years elapse before the whites begin the settlement in the country at and surrounding the Dirt Lodge Region. In the meantime a notable Indian war has raged and the Indians have been brought into subjection; a number of military posts have been erected on the Missouri, James and Big Sioux rivers, garrisoned with soldiers; the Minnesota Indians have been removed to Dakota, and nearly all the Sioux Indians of every tribe had been settled on reservations in the territory with established agencies on the Missouri River. The Lower Yanktonnais Tribe, which had been among those accounted hostile, had been located at the Crow Creek Reservation (originally set apart for the Santees and Winnebagoes), and one of its bands under a wily chief called Drifting Goose (Indian name: Mada-bo-des or ba-da), with his band numbering about two hundred people, had made a summer residence on the James River some seventy-five miles from the Crow Creek Reservation, and about twenty miles north of the old original Dirt Lodge Village, probably about 1870. It will be well to bear in mind that Drifting Goose and a number of his followers were among the former warrior inhabitants of the old Dirt Lodge Camp of Refuge. Subsequent events justify such an opinion.

There are circumstances connected with this Drifting Goose movement and its subsequent career that indicate something more than a summer village for himself and band, in their new James River settlement, and that white men of prominence and influence had formed a plan that would enable the Indians to secure the withdrawal of a large tract of land along the James Valley, to be given to them as a separate reservation — the purpose of it to be developed as the plan matured.

When the immigration to that region by the whites began in 1878, it was discovered that Drifting Goose denied that the land belonged to the Government, and refused to give way to the settlers who were moving in. Drifting Goose first held that when the land was ceded by the Yanktons in 1850, the Yanktonnais Tribe did not join in the treaty, and never consented to it, therefore the land still belonged to the Indians.

In June, 1878, G. C. Williams, register of the Watertown land office, referred written complaints from two settlers in the neighborhood of the new Drifting Goose Village to the department at Washington. The papers were sent by the commissioner of Indian affairs, Mr. Hayt, to Lieutenant Dougherty, agent at Crow Creek Agency, with orders to investigate and remove the Indians to Crow Creek. Dougherty visited the village, and then informed the commissioner of Indian affairs that he found there about forty Indians in thirteen lodges with Drifting Goose. Four log houses had been built; fifteen acres of corn was under cultivation. Drifting Goose told him he obtained rations from Sisseton. Gabrielle Renville had assisted the band from the supplies of his own people. He claimed the lands as his own and that the Yanktons had sold it to the Government, far without his consent. Dougherty explained the sale of the land to the old chief, and also informed him of the order to return to Crow Creek. Drifting Goose parleyed, and said he would have to see Renville at Sisseton. Later in the fall Drifting Goose and his people were removed under protest, to Crow Creek, by a squad of men sent out by Dougherty, and remained there all winter.



These lands were surveyed during the summer of 1878, by Thomas F. Marshall, deputy United States surveyor, then of Yankton. Mr. Marshall subsequently settled at Oakes, Dickey County, north of the famous 46th parallel, and became one of the early members of Congress from the State of North Dakota. A letter from Mr. Jacob Ziebach, who was one of Mr. Marshall's surveying party, dated in September, 1878, tells of the lawlessness of these Indians at that time, and their determined opposition to the survey and settlement of the country. A portion of his letter is given herewith:

General Beadle arrived here yesterday, and as the man who brought him starts back in the morning, I thought I would write you some Indian news. About two weeks ago some Indians undertook to steal our horses. They got one pony when we commenced shooting at them. The pony either broke loose from the Indians or they concluded it was getting too hot for them, and let him go. The pony ran back to our camp, and the Indians got away.

A week ago yesterday two Indians and two white men came to our camp while we were out in the field, and told our cook to tell us that we must get out of the country; that we had no right here; that this country belonged to them; that we could not survey this country. We thought they were trying to bulldoze us, but we did not bulldoze worth a cent. The next day two Indians caught one of our men, Mr. Sutley, and stripped him of everything he had on him, and told him to "git." He "got," and they commenced shooting at him. He was four miles from camp and ran all the way in barefooted. He was scared nearly to death, and has not yet wholly recovered from his fright. He lost a watch worth \$40 and \$5 in money. He was riding a pony which threw him when he was attacked, and ran back to camp.

The Indians told us the dirt lodges were fifteen miles north of us. We have a township line to run right through their camp, and we are going to run it tomorrow. This will decide whether we can stay here or not—whether we can do this work or must draw off. They can't talk us out of it, that is sure. I do not think there is any such place as the dirt lodges. We have been all over the country where they were reported to be. We have found plenty of places where Indians have camped, but no signs of any dirt lodges.

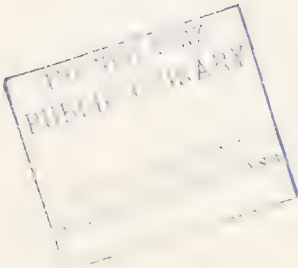
Marshall went ahead with his surveys. There were about seventy-five Indians in the Indian Village at the time, and they objected strongly to the survey, believing that it meant their early removal, and even threatened Mr. Marshall and his men with bodily injury; but the intrepid band concluded to survey or fight and if necessary, do both; therefore preparatory to entering the classic shades of Dirt Lodge, every member of the party buckled on his revolver, and shouldered his rifle, carrying his professional equipment as best he could, and thus arrayed, the order to "forward march" was given, and Marshall and his clan moved forward into the village. The enemy, composed of both sexes and papooses, hung about the entrances to their domiciles, but observing the preparations for trouble the white invaders had made, gratified their cruel and bloodthirsty nature and longing for fresh scalps, by sullen mutterings; an occasional gesture, and a vindictive demeanor. They did not lift a hand to interfere with proceedings. These lodges were in township 117, north range 63 west, sections 19 and 24. There were twenty tepees; 10 dirt lodges, and some stables. The Indians had a farm under cultivation embracing about forty acres; planted largely to corn; with some potatoes and garden truck. Section 24 contained about one hundred acres of good timber, principally ash.

These Indians were known to belong to the Yanktonnais Tribe whose home was on the Crow Creek Reservation; but had been roaming at large for ten years or more in the uninhabited country where they were now found, living on the James River during the warm seasons and going into Fort Thompson for the winter. They numbered about two hundred and drew rations indiscriminately at Fort Thompson, Sisseton and Grand River agencies. While Crow Creek or Fort Thompson was under the control of Dr. H. F. Livingston as agent, he represented their case to headquarters and received an order to bring them into the limits of his reservation. While executing his instructions the order for bringing them in was countermanded by the Indian commissioner, based on representations made by Major Hamilton, then agent of the Sissetons. This proceeding encouraged the Indians to believe that the Government recognized



HON. T. F. MARSHALL

United States deputy surveyor, who defied  
Drifting Goose



their right to the country, and as these efforts to remove them to their proper home on the Crow Creek Reserve were repeated, without effect, it became apparent that the Indians were sustained by white influences that controlled the situation, and the object in view was to secure the withdrawal of land in that rich and growing section which was to be set apart for these Dirt Lodge people.

That the situation was serious is evident from the fact that in the winter of 1878-79, Governor Howard, who was then Dakota's executive, was appealed to by parties who had been compelled to abandon their improvements in the valley by the "Blowing Goose" Indians (Blowing Goose was an alias of Drifting Goose), and go to Wah Bay. They desired to learn from the governor whether they or the Indians were to be permitted to occupy that country. It was a case where the governor was powerless to afford any relief, except to report the matter to the Indian Department, which he did.

For a year or two prior to this time, quiet efforts had been making headway to secure from the Government a recognition of the Drifting Goose claims to land on the James. It was claimed that Bishop Whipple, General Sibley, Byron M. Smith, and others favored this claim. And in December, 1878, Mr. Hayt, commissioner of Indian affairs, sent the following communication to Agent Dougherty:

Sir: Referring to your report, dated July 25th last, in regard to the Chief "Drifting Goose" and his band, on the James River, I have now to transmit a copy of a letter, dated November 25, 1878, addressed to Gen. H. H. Sibley, St. Paul, Minnesota, by Lieut. M. Burns, Seventeenth Infantry, and copy of the general's endorsement upon the same. It appears from the communication of that officer that he made a personal visit to the camp of "Drifting Goose" and has changed his views since his visit in regard to these Indians, and for reasons that seem to be very satisfactory, strongly urges that they be permitted to remain on James River, and that they be protected in the possession of the lands which they are now cultivating. He suggests that these lands be set apart, five or ten miles square, as a reservation for them.

You will also notice the statement made by General Sibley, and his suggestion to the same effect, and it is deemed best in view of the facts presented to reconsider the matter, and, if there are no serious objections to the recommendations referred to, that measures be taken to afford the protection which they desire.

You will therefore give the subject early attention and report the exact location of these Indians, the particular township which they occupy, or may require; defining the boundaries of the same explicitly, and forward a recommendation (if, as suggested, you deem it proper), that the President may be requested to set apart the land so defined, by an executive order, as a reservation for their benefit.

Very respectfully,

E. A. HAYT,  
Commissioner.

The letter of the Sisseton agent to General Sibley contained an earnest defense of the Drifting Goose claims to land on the Upper James River, and requested the general to interest himself with the authorities at Washington in their behalf. The general, ever ready to support the just claims of Indians of all tribes, forwarded the letter to Washington endorsed as follows:

St. Paul, Minnesota, November 29, 1878.

This communication is respectfully forwarded to Hon. Carl Schurz, secretary of the interior, with an earnest request that he will give it a favorable consideration. He will doubtless recall to mind the fact that I have already presented the case to him as an exceptionally meritorious one, and ask that the Indians in question be protected in possession of the land, which they have possessed and partially cultivated for so many years, also that the heads of families be given the benefits of the homestead laws, if not inconsistent with their provisions.

HENRY H. SIBLEY.

Agent Dougherty, of Crow Creek, replied to the letter of Lieutenant Burns in a communication to the commissioner of Indian affairs, denying claims of Drifting Goose so far as they were based on the settlement, improvement and cultivation of the land, and concluding his letter with allusions to the individuals composing the Drifting Goose party, which is here reproduced, as follows:



This band of Indians has given me a great deal of annoyance about their land. For the last three or four years they have lived over there in a precarious manner, begging, hunting and marauding. When winter approaches they scatter to the agencies in Dakota and Minnesota, and regularly return to the same place on the James, where they establish a summer camp as soon as the grass is green. Thence the adventurous spirits sally forth to the settlements and remote agencies to beg and rob. Several of the band are known to have been concerned in atrocious murders in Minnesota and the Red River country. Two of them were apprehended a few years ago near Fort Pembina, for the murder of a whole family on Red River, and were confined in the guard house at Fort Pembina, where they broke out, and one of them was killed by the guard. There are very good reasons for suspecting one of this band of the murder of I. C. Iahuston, who was killed sometime since near Fort Sully. He has since fled to Sitting Bull's camp. (Brave Bear—tried and executed at Yankton.) They have repeatedly interfered with the work of surveying parties, and warned away settlers from the country. Next spring these immigrants will return in greater numbers and prepared to defend their rights, and I regard it as greatly to the disadvantage of these Indians to place them in competition or contact with this increasing population. If these Indians are permitted to return they must be, as heretofore, wholly beyond the reach of law or discipline, and their camp will be the rendezvous of every Indian horse thief, robber and murderer on the east side of the Missouri.

This report seems to have satisfied the Indian office that Drifting Goose had no claim to lands on James River based on settlement and cultivation, or any other lawful foundation, and Dougherty was instructed to refuse him permission to return there as the country had been largely occupied by the new settlers, and the Indians would be apt to cause serious trouble. Drifting Goose was greatly angered when informed of the orders from the commissioner, but made no attempt to defy the authority of the Government. He went off west of the Missouri and remained several months, and the affair appeared to be settled. In the meantime Drifting Goose's Camp and the valley of the James for many miles was settled upon by the incoming settlers.

This was the situation when in July, 1879, President Hayes issued the following proclamation:

Executive Mansion, Washington, June 27, 1879.

It is hereby ordered that townships 119, 120, and 121, north, of range 63 west, in the Territory of Dakota be, and the same are hereby set apart as a reservation for the use of the Maga-bo-des or Drifting Goose band of Yanktonnais Indians.

R. B. HAYES.

This proclamation was received at Fort Sisseton first, and by the agent at Sisseton communicated to the agent at Crow Creek, which indicates that the Sisseton influence had brought about the issuance of the document, from which there was no appeal. Acting Agent Dougherty received instructions at the same time to permit the return of Drifting Goose and his band to their James River Reservation, with provision and clothing.

He made a roll of the band and it was found to number 108 souls. About forty of them refused to go back.

On the return of the Indians to James River their first demand was that all whites who had settled upon the reserved lands should be expelled.

That the reader may not misjudge the motives of President Hayes in setting apart these townships it should be borne in mind that the encouragement of the Indians to take up land for the purpose of tillage and pasturage, was the leading feature of the peace and industrial policy, and it doubtless occurred to the President that it did not matter much where the land was located if it was unincumbered public land. The entire Crow Creek Reservation had been public land, ceded by the Yankton Tribe in 1858, and subsequently withdrawn from market for an Indian Reservation, so that Mr. Hayes had substantial precedent for his action; and it is probable that the plats in the land department at Washington at that time showed the entire acreage of the Drifting Goose Reserve, vacant. The President should have been informed of the fact that the land he withdrew was in part already occupied by white settlers and was directly in the track of the incoming people whose numbers at that time and in that locality were taking up a township in a single week.



WATERTOWN, NORTH DAKOTA TERRITORY, IN 1885



With a reservation of 65,000 acres of the choicest land in the valley, accorded them by the Great Father at Washington, the Drifting Goose Indians felt greatly elated and became obstreperous. They assumed that they were monarchs of the soil, and they concluded that their first duty was to meet the white invaders at the earliest possible moment, and with this purpose in view, they began a system of depredations and annoyances upon the property of the white settlers that inaugurated a reign of terror throughout the valley, particularly among the new comers who had wives and children.

Fear seized not only upon the settlers who had taken claims on the Drifting Goose Reservation (and that had nearly all been taken up by the whites), but upon hundreds below; and as a consequence the settlements were largely depopulated; some abandoning their claims, and others retreating to Watertown and vicinity to await the outcome of some amicable adjustment of the embryonic war.

The first white settlers to occupy lands in this portion of the James River Valley were a Mr. Slack and family, Mr. W. H. Hedges and Mr. C. B. Foster, who had been employed at Sisseton Agency, who went in during the spring of 1878. Their settlement was some miles north of the Village of Drifting Goose, on the river; after they had begun improvements and their corn was partially grown the Indians came in and drove them from their houses, and they were compelled to seek refuge in the white settlements twenty miles east. As heretofore stated the Indians were removed during the fall to the Crow Creek Reservation, and the settlers received assurances that they would not be annoyed by them in the future. Those who had been driven off returned and hundreds more came in during the fall of 1878, while the immigration in 1879 was very heavy. The Indians had abandoned their settlement in the valley for good, as it appeared, until this untimely proclamation of the President appeared in July, 1879, while, in the meantime nearly all the land in the tract covered by the President's order had been taken up by settlers, who had their first intimation that their lands had been given to the Indians when a band of nearly two hundred under Drifting Goose suddenly made their appearance in the valley, scattering themselves along the river for many miles. They entered the houses of settlers when the men were not at home, insulted and hustled the women, forcing the women to cook for them. They boldly entered the corn fields, husked the corn and carried it away in sacks. They informed the settlers that the country was theirs and all the whites would be compelled to leave; that the agent from Sisseton was coming over and would put them in possession. The result was to break up the settlements, all the families and many others leaving and sought refuge in Watertown, expecting that the Indians, emboldened by their success in securing permission to live in the valley would break out in open war on the settlers, and add a massacre to their other offenses.

Agent Crissey, of the Sisseton Agency and Agent Dougherty, of Crow Creek then came over accompanied by a special representative of the Interior Department, and called the Indians in council at Foster City, a town on the James that had been located by the new settlers and had been made the county seat of Spink County. The agents designed to put the Indians in possession but their plan was not such as the Indians had expected. They were told that the situation was entirely different from that represented to the President; that the Indians would not be permitted to dispossess any white settler who had moved there in good faith, and was engaged in improving his land. Further that the Indians were entitled to such land as they had improved by cultivation or had made other improvements upon; and finally that the purpose of the Government was not to give the tribe a large tract of land to be held by them in common, as that would interfere with the design of the Government, which was to permit the Indians to select claims here and there among the whites with a view of receiving instruction and benefit in their industries from their civilized neighbors, and have the advantage of the common schools for their children. To all of which



the Indians entered a vigorous and prolonged protest. They would take no lands as individuals. Finally Agent Crissey told them they would have to return to Crow Creek and await further advices from the Great Father. That they would be notified of the Great Father's instructions, and would then be permitted to take such lands as would be allotted to their several families. The council then dissolved. The Indians refused to return to Crow Creek, and Agent Dougherty gave them two days' rations in case they concluded to return, and left them while the Sisseton agent notified them that he would send a company of troops after them and compel them to return.

This was practically the termination of Indian troubles on the James. The Indians would have been permitted to select claims on the "reservation," under an agreement to reside upon and cultivate them; they would undoubtedly have received material aid from the Government for a number of years had they shown a disposition to help themselves, as they were desired to do. This, however, seemed farthest from their intention, and they reluctantly and sullenly abandoned the places which had occupied their time and ambition for a number of years, and undoubtedly returned to their reservation, and if they have survived, they have undoubtedly been allotted a land and a home on the Crow Creek Reservation.

It is evident that the ground claimed in 1879 by Drifting Goose was not the same as that occupied by the original village in 1863, which was visited by Captain Tripp with a detachment of Company B, Dakota Cavalry, when in pursuit of the Weiseman murderers, though Drifting Goose may have been with the Indians who then occupied it, and were supposed to be Yanktonnais. Drifting Goose claimed to have resided on his land for thirty years, and was supported in this claim by Byron M. Smith, who knew him in 1857, during the years of the earliest settlement at Sioux Falls. This thirty years settlement would have been made about the year 1849, and was about the time of the founding of the old village in town 117.

In 1873, W. C. Smart took the first settlers into that section, and these located the Town of Frankfort or Ashton, near the old Dirt Lodge Village, which they found deserted and practically destroyed. Drifting Goose, in his claim made in 1879, may have assumed that the precise locality of the original village was of no consequence as their residence there and cultivation of the soil gave them the right to a large section of that country which no treaty had deprived them of.

The term "Earth Lodges," or "Dirt Lodges," applied to this modern settlement of Drifting Goose, was a misnomer, for they did not build any dirt lodges, but as shown by Captain Dougherty, built a few log buildings. The Drifting Goose Village was in town 120, range 62, and probably in the Fargo Land District.

It so happened that settlers had been pouring into the Valley of the James in such numbers, prior to the promulgation of the President's order withdrawing the lands that a large portion of the reservation had been occupied. Eighty families, in one colony from Minnesota, located at the same time, and a large proportion of the valley land along the river for thirty miles was taken up. A county government had been organized for Spink County, and the county seat, Ashton, located in town 117.

Regarding Bishop Whipple, General Sibley, Byron M. Smith and Lieutenant Burns and their interest in Drifting Goose and his band, in this matter, there is no doubt whatever that they were governed by the best of motives in whatever they did to promote the ambition of the Drifting Goose band of Indians. The "Peace Policy" was then "on duty" wherever the Indian was domiciled and manifested the slightest disposition to undertake the task of becoming civilized, and a leading feature of this policy was to induce the Indians to select a tract of land and make a home upon it, and cultivate it with the substantial assistance of the Great Father. The bishop and General Sibley had been life-long friends of the red man, believed he had been unjustly treated by the Government's agents, and that much of our Indian troubles could have been avoided had an honest and



ROBERT R. GAMBLE

Pioneer lawyer and legislator of Yankton  
County, 1875



LEVI B. FRENCH

Pioneer lawyer and legislator of Yankton  
County, 1867



HON. JOHN BRAUCH

Pioneer of Yankton County, 1862



JOHN SHAW GREGORY

Agent to the Poncas in 1858. Member of  
first Legislative Council



prudent course been pursued by those acting for the Government. But their friendship did not extend further than to give the Indians every reasonable opportunity to make a home for himself and substantial assistance in getting started. They undoubtedly expected, in recommending Drifting Goose to the favor of the Government that he would be informed that he might have land, and assistance, but not if he was inclined to spend his time in idleness.

#### SECTION ROUTE FROM SIOUX TO JAMESTOWN

The first mail service established in the James River Valley above the mouth of the Firesteel, or rather above the Town of Firesteel, was instituted about the first of July, 1879, Brinkerhoff and Jordan, contractors, who were then carrying the mail from Yankton to Firesteel in four-horse coaches.

The first section of the route above Firesteel covered a distance of 130 miles to Foster City, which was in the vicinity of the place known as Dirt Lodges, claimed by Drifting Goose and his band, and was within the limits of the three townships set apart by President Hayes June 27th, for the use of Drifting Goose and his people. All the land in the three townships mentioned, it was claimed, had been settled upon by white men before the presidential edict was issued, and these settlers determined to hold their claims should the Indians return in the spring, and make an effort to dispossess them. The valley is one of the choicest agricultural sections in the United States, in the opinion of the settlers. The mail from Firesteel to Foster City was run semi-weekly and was carried on a first-class buckboard.

Settlements extended at that time thirty miles above Foster City but from that point to within ten miles of Jamestown, a distance of ninety miles there were no settlements, and the stage or mail road for this distance was first broken by the mail vehicle and was laid along the east side of the river and the east bank of Lake Te-han-chi-ca-hah (Sand Lake), which at that time was a body of water nine miles in length, narrow, and swarmed with water fowl. The east bank of the river was found to be sloughy for a good portion of the distance to Jamestown, and a better road was subsequently found on the west side. On the Jamestown end light wagons were used from Jamestown to the end of settlements coming south, and from that point the mail was carried on horseback. During the year following the valley was substantially settled along its whole length between Yankton and Jamestown, and for some distance above Jamestown. It was alleged that the townsite interests were planning to have all the timber in that region set apart for the Indians. The James River Navigation Company was running a line of steamboats during the season of navigation from above Sand Lake to Grand Rapids in LaMoure County. The Richmond townsite was at the foot of Sand Lake.



## CHAPTER LXXX

### RAPID GROWTH OF POPULATION AND RAILROAD EXTENSION

1879

THE BEGINNING OF THE HEAVY IMMIGRATION—FIRST LAWRENCE COUNTY ASSESSMENT—CLAY COUNTY PROGRESS—WHEELER, CHARLES MIX COUNTY—GOVERNOR PENNINGTON'S ADMINISTRATION—WM. A. HOWARD APPOINTED GOVERNOR—THE REPUBLICAN TERRITORIAL CONVENTION—JUDGE KIDDER, SITTING DELEGATE, AND JUDGE BENNETT OF DEADWOOD THE PROMINENT CANDIDATES—BENNETT NOMINATED—THE DEMOCRATIC TERRITORIAL CONVENTION—BARTLETT TRIPP NOMINATED FOR DELEGATE—BENNETT ELECTED—PRESIDENT HAYES VISITS DAKOTA—THE ICELANDER COLONY OF THE NORTH—JUDICIAL DISTRICT ATTORNEYS FIRST ELECTED—MILITARY FORCES IN DAKOTA, FORT KEOGH—SHERIDAN'S REPORT—STATE FAIR AT VERMILLION—GOVERNOR HOWARD'S ADDRESS.

#### IMMIGRATION

Immigration was very active in 1878. Immigrants came into the territory through all the gateways from the mouth of the Big Sioux to Pembina in surprising numbers, and thousands upon thousands of homesteads were taken up. The importunity of homeseekers was so determined and persistent that land officers and court officials having authority to make out the preliminary papers were frequently routed from their beds to accommodate parties who felt that a night's delay would give rival claimants an opportunity to file ahead of them. A similar rush was in evidence at the offices at Yankton, Watertown, Fargo and Bismarck.

Immigration poured in until it passed beyond the surveyed lands, and claims were taken in many cases haphazard. To relieve this situation, Congress had enacted a law permitting the claimants of land to deposit a sum of money with the surveyor general of the territory sufficient to cover the cost of surveying a township, about four hundred dollars, and that official would then order the survey extended. The surveyor general would issue a certificate when the money was deposited, and these certificates were made receivable in payment for the land in case of commutation, and could also be transferred to other parties. Under the provisions of this law many thousand acres, particularly in the northern part of the territory were surveyed but unscrupulous parties took fraudulent advantage of the privilege to such an extent that Congress found it expedient to repeal the law later.

Immigration into the Upper Big Sioux Valley during 1878 was quite active. A large German colony settled in Deuel and Codington counties, along the line of the new Northwestern Railroad which had been opened to Lake Kampeka. The settlers were largely from Minnesota, Wisconsin and Iowa, excellent farmers.

Immigration was brisk into Beadle, Thompson and Mills counties, then unorganized, all lying in the Valley of James River. Northwest from Watertown, toward the Northern Pacific Railroad, a steady stream of newcomers was

observable during the summer, well equipped with household stuffs and farming implements and a few cattle. Thompson and Mills counties received new names from a later Legislature of which neither Messrs. Thompson or Mills were members. There were six new counties organized in 1878, namely, Codington, Grant, Barnes, Deuel, Hamlin, and McCook.

There was great activity in common school expansion in 1878. The number of schools increased over 20 per cent in some counties, and scores of new districts were organized. Gary, Deuel County was founded in 1878. A newspaper called the Inter-State was then established there by Fred L. Bowman, of Prairie du Chien, Wis. Gary adjoins the Minnesota-Dakota boundary line.

#### GROWTH OF DEADWOOD

Lawrence County developed with remarkable rapidity. Its lawful settlement began in February, 1877, immigration, however had been flowing in for several months prior, and some improvements of a temporary character had been made. In May, 1878, its first assessment was made under the territorial law. Deadwood was then a city of about seven thousand people, estimated; this population was, however, largely transient or shifting. The Homestake mines at Lead had been taken over by a rich California company headed by George Hearst, afterward United States senator from that state, but the mine could not have been much improved when the assessment of the county was made. The assessment of the property yielded an aggregate of \$1,573,167; and this valuation had been so very moderate that the county board felt it their sworn duty to increase it in many particulars. There were at that time nine precincts in the county, and the assessment returned for each precinct or town footed up as follows, to wit: Bears Gulch, \$10,845; Lead, \$200,073; Central, \$307,010; Gayville, \$150,835; Deadwood, \$524,285; Elizabethtown, \$01,675; Galena, \$39,540; Spear Fish, \$54,959; Crook City, \$64,045.

#### CLAY COUNTY PROGRESS, 1877-78

In the beginning of settlement by the whites in Dakota, and until after the Civil war had closed, there were doubts in the minds of many who had taken up lands in the territory whether the soil, climate and natural conditions were such that farming could be pursued with even ordinary success. Clay County was one of the sections earliest settled, and her people were troubled with the same perplexing questions which had arisen because of the unfruitful season they had experienced, attended with drouth, early frosts, floods, Indians, blizzards, etc. But they lived through it all, and in the end were quite successful. In 1877 the then settled portion of the territory was in a position, viewed as an agricultural region, to send out a guarantee to whomsoever it should come, greeting, that Dakota was the peer of any portion of the United States. The conditions existing in 1877 in Clay County were typical of those prevalent in all the settled counties. That county was organized in July, 1862, with a population of less than one hundred. It embraced 240,000 acres, all tillable. The first school district was organized the same year, when there were only twenty five children of school age in the county. In 1877 it contained 6,000 inhabitants, and 1,657 children of school age; it contained fifty-four school districts, and employed forty-eight teachers the year round. Vermillion, the county seat, was practically destroyed by fire January 13, 1875; but had been rebuilt more substantially than before, and contained 1,900 inhabitants. The choice land in the county had about all been taken up under the homestead and pre-emption laws. The majority of the farmer settlers were Scandinavians, who were frequently referred to in eulogistic terms for their enterprise, morality and public spirit. In the fall of 1877, from the crop of that year, there were shipped from Vermillion 435,000 bushels of wheat, 5,250 sacks of flour, and 33,000 bushels of oats. During the year 700 cattle and 750 hogs were shipped to Chicago, and 400 cattle and 800

hogs slaughtered to meet the home demand. Forest culture had been receiving general attention, and by the close of this decade half the farms in the county would have an abundance of cultivated timber for all domestic purposes. The Dakota Southern Railroad passed through the county from east to west, and two other roads were projected—an extension to Vermillion of the McGregor and Western, and a connection with the Northern Pacific Railroad by way of the Vermillion River Valley. Experiments in fruit culture had been gratifyingly successful. During this season the county had suffered the loss of many grain fields as a result of one of the most destructive hail storms that had visited the territory.

#### GOVERNOR PENNINGTON'S ADMINISTRATION

Governor Pennington's administration terminated April 12, 1878. Taken altogether it was quite creditable and generally satisfactory to the people. He not only gave intelligent attention to the duties enjoined upon him by law, but he took an active, leading, and successful part in all matters that promised to benefit the people. He had no ambition for any other office. He was public-spirited, and expended many thousand dollars of his private fortune, during the first years of his administration, in substantial improvements at the capital in the way of business houses and residence buildings. He was conspicuous in his friendship for the territory, and tireless in his efforts to induce immigration. He was always found among the optimists in whatever promised to promote the general interest. It was reported, at the time the appointment was made, that the President had charged him with the mission of harmonizing the warring political elements in the territory, by bringing into one fold the factious republicans who had by their long continued personal contests, destroyed the republican organization and transferred the control to the democrats, as was evidenced by the election of a democratic delegate to Congress. This mission the governor set to work upon shortly after his arrival in the territory and unquestionably was able to lay before the factionists some very substantial reasons why they should get together, for we find that the factional dissensions ceased from that time, and the campaign of 1874 saw the republican party united with Judge Kidder as the candidate for delegate, and from and after that there was no further "split" in the party.

Pennington's re-appointment was supported by Dakotans; but the new President, Mr. Hayes, had an old and tried friend whom he wished to recognize in the person of Hon. William A. Howard, of Michigan, to whom the appointment was given, and fortunately the selection was in every way one that proved of advantage to Dakota.

Governor Pennington was not ambitious to go to Congress, and he had sufficient tact to keep aloof from any and all alliances that would provoke sectional or factional animosities. As a whole his administration was attended with much that marked it with lasting credit. The Black Hills matter came up early in his term and was practically settled just about the time his tenure expired. He had been instrumental in aiding the settlement of the problems presented, in a manner highly satisfactory to the people.

#### WILLIAM A. HOWARD, GOVERNOR

There had been a number of governors of Dakota Territory before Governor Howard came. His inauguration, however, was the first one that was attended with ceremony of a public character. It took place at the executive office in Yankton, on Friday, April 12, 1878, where a large number of the citizens of Yankton assembled to greet and have a look at the new executive, who had been known by reputation throughout the nation as a citizen of high attainments, distinguished for valuable public services rendered in war and in peace, and had earned the gratitude of his countrymen by a well ordered life devoted to the



WILLIAM A. HOWARD

Sixth governor of Dakota Territory, 1878 to 1880.  
Died in office, 1880





betterment of whatever public interest he had been called to serve. Chief Justice Peter C. Shannon was present, to administer the oath, but preceding this ceremony an address of welcome was spoken by the retiring executive, Governor Pennington, as follows:

Governor Howard: I welcome you to the duties, cares, responsibilities, and to the honors and emoluments of the executive office of this territory, and I commend to the people and myself that we are committing its responsible duties to one so entirely competent to perform them, and to one who will so eminently dignify the position. During your residence and public service of over four years among these people I have received nothing but courtesy, kindness and the most generous hospitality from the entire population and intelligence of the territory, and as a citizen and in their name I pledge for them and myself the same open, manly, frank and generous treatment for you as my successor.

We who come to this frontier country as strangers, are not long in ascertaining the fact that, notwithstanding we are on the very outpost of civilization, all the professions and pursuits of business as well as those social relations that make up refined society, are represented by men and women who are the peers of the best people to be found among the older communities of the East, and that so far from that wild life of deprivation and discomfort that most of us expect, we find the usual comforts, elegancies, and refinements of the older settled portions of the country, together with a thrift and prosperity seldom to be met with elsewhere, certainly not to be found anywhere west of the Mississippi River.

And now, governor, with these remarks I welcome you to our young and growing territory; I welcome you to the cares and the honors of this important office, the duties of which you are about to assume, I trust, and have no doubt that you will find these duties pleasant and agreeable, and hoping also that we may be able to throw sunshine along the social pathway of yourself and family, and render all future recollections of your residence among us pleasing to you and to them, I now resign this chair and the duties it involves into your hands, again congratulating the citizens of Dakota and myself that I am succeeded by one so eminently worthy of our confidence and support.

Governor Howard's reply was extempore. In substance, he first expressed his gratitude for the attentions he had received, and extended his personal thanks to Governor Pennington, saying that he had received at his hands every courtesy which one man could give another, under similar circumstances. He was gratified at the cordiality and confidence of the people. As to the duties of the office, he did not think it proper to make promises in advance. He had reached that period in life when he had expected not to hold another public office—he had said that there was no position within the gift of the Government which would tempt his acceptance. Health had become the leading purpose of his life. As to money, he had become very rich in economical habits, and by the use of these habits he thought he had enough to carry him through. He sought neither honor nor profit, but if our climate would bring him health his labors would be freely given toward making Dakota one of the grandest states in the Union. He cared not for ephemeral honors; for titles; there was something better to be sought for. If he could fulfill the duties of his office as satisfactorily as had his predecessor, he would consider himself fortunate. His single aim would be to help achieve a great future for Dakota. Nature had done her share toward that end. It remained for the people to do theirs.

The oath of office was then administered by Chief Justice Shannon; the new governor was given a cordial round of hand shaking, and possibly the best, taken altogether, of Dakota's territorial executives, was installed.

Concerning Governor Howard's wife, who aided largely in making her husband's administration one of sterling worth to the people, and highly honorable, we have nothing better than an excerpt from a letter written by a Washington friend who was intimately acquainted with the family during its residence at the capital. The writer says:

Governor Howard has one of the dearest little angelic dumplings of a wife. She is small and plump, and has a round baby face, big blue eyes, and hair as white and fine as frost. She wears it in a low coil, and curled about her face, and she is always knitting on things. All sorts of soft socks, blankets and hoods, come like magic from her dimpled fat hands. She has a string of poor people always on hand, and although she is always

doing, the string is never shortened, and rain and shine, church and prayer meetings, temperance or Bible readings, are attended to first. In waterproof gum shoes, and umbrella, she has faced the tempest this winter, when in a whole houseful, not one, young or old, thought they could venture out to see the sick. Among the savages and wild people of the territory, Mrs. Howard will be in her element. Nursing sick papooses, making the savage lords wear flannels for possible rheumatism, seeing that the squaws bathe three times a day, in cold water, and wear thick shoes, will be a small part of her labors; and in intelligence, beauty and refinement, sympathy and gentleness, no governor's wife in the whole land will stand higher than the beautiful old wife of the new governor of Dakota.

#### REPUBLICAN TERRITORIAL CONVENTION, 1878

During the spring and summer of 1878 there was more than the customary interest manifested in the approaching political conventions and the candidates for delegate to Congress, an office that would be filled at the next November election. Judge Jefferson P. Kidder, of Clay County, was the incumbent and was serving his second term. He had given general satisfaction as delegate, was a candidate for a third term, and was probably the choice of a majority of the republicans. But this did not deter the friends of other aspirants from urging the claims of their favorites. The people of the Black Hills were now a factor in territorial politics; had become a part of political Dakota since the election held two years before, and in proportion to their population they had a larger proportion of experienced politicians and voters than the "cow counties" as the inhabitants of Eastern Dakota were familiarly referred to. The hills people claimed to have one-fifth the voting population of the territory, and with the precociousness that characterizes youth and confidence, they demanded that the delegate be taken from that section. Their candidate was the federal judge, Granville G. Bennett, of Deadwood. Col. G. C. Moody, of Yankton, who had been a prominent leader of the party for many years and at one time the candidate of one faction for delegate, had a numerous following throughout the territory; and it was reported on creditable authority that there had been some understanding among the leaders two years before that Moody should be given the republican "right of way" for delegate in 1878.

When the convention assembled in August Judge Kidder was said to have nearly one-half its membership, and there was little doubt about his nomination except in the councils of Bennett's and Moody's friends. The proceedings of the convention show that these factions controlled throughout and virtually worked in harmony.

The republicans of the territory met in delegate convention at Yankton, the territorial capital, on Thursday, August 29, 1878, for the purpose of nominating a candidate for delegate to Congress. The convention was composed of 139 delegates, representing thirty counties, whose names appear in the report of the Committee on Credentials. The Black Hills counties were represented for the first time in this territorial gathering, and as a rule their delegates were all present, and proved themselves no amateurs in the art of practical politics. The convention was held in the courthouse. It was the most numerous body of representative men ever gathered together in Dakota.

The convention was called to order by Col. G. C. Moody, chairman of the Central Committee, and after roll call, Alexander McIlhenny, of Cass County, was elected temporary chairman, and Col. C. V. Gardner, of Lawrence, temporary secretary. A Committee on Credentials was then appointed consisting of A. W. Hastie, of Lawrence; Fred Cross, of Custer; F. T. Evans, of Pennington; Wm. Elliott, of Clay; G. W. Kingsbury, of Yankton; W. F. Dunham, of Lincoln; Judson LaMoure, of Pembina; J. E. Burbank, of Richland; and E. A. Williams, of Burleigh. After recess, the Credentials Committee presented the following report of persons entitled to seats in the convention:

Armstrong County, W. H. Spooner, proxy, C. T. McCoy; Bon Homme County, A. F. McAuley, Joseph H. Petak, Jacob Robbins, Ed F. Hughes, Chas. Boerig, Christopher Suess; proxies, L. D. F. Poore for Robbins; J. H. Stephens,

for Hughes; Barnes County, J. S. Weiser, E. W. Benson; Brookings County, James Hashurst, A. S. Mitchell; proxy, John Bippus; Burleigh County, J. A. McLean, G. P. Flannery, J. H. Marshall, Peter Seims, L. M. Gartin, F. A. Williams; Cass County, J. E. Haggart, E. S. Tyler, A. McHersch, S. G. Roberts, V. L. Landquist, George Marlines, H. H. Knoeken; Charles Mix County, E. T. Wheeler; Clay County, S. N. Palmer, N. V. Ross, Wm. Elliott, L. B. Dawson, S. S. Stanley, G. H. Lowrie, R. Conrad, Ole Lewison, P. N. Cross, R. Odell; Codrington County, W. R. Thomas; Custer County, Fred J. Cross, Mr. Benjamin, F. B. Smith, Chas. Hayward; Davison County, L. W. Larwell; Deuel County, Wm. H. Donaldson; Grand Forks County, George H. Walsh, F. Venz, W. G. Woodruff, W. J. Anderson; Grant County, not represented; Hanson County, C. Wright; Hutchinson County, A. S. Jones, J. E. Maxwell, Martin Schamber; Lake County, H. N. Luce, Wm. Lee; Lawrence County, Seth Bullock, A. W. Hastie, W. H. Parker, J. H. Shaler, A. W. Merrick, C. V. Gardner, Wm. Cable, Thomas Campbell, G. R. Hillebrand, James Carney, W. P. Tyler, T. D. Murrin, Jabez Chase, A. G. Townshend, W. H. Backus, John Johnson, Capt. Hazerodt, A. J. Moulton, J. P. Belden, A. H. Simonton. (Lawrence County claimed ten additional delegates which the convention refused.)

The names of the additional delegates were: John Lawrence, C. H. Enos, J. W. Clark, J. S. Smith, M. B. Goodell, J. D. Woolley, Capt. W. M. Foster, N. S. Gilbert, L. W. Valentine, A. G. Knight

[Second delegation from Lawrence County anti Bennett not admitted: Deadwood, J. M. Young, L. E. Gaffey, George Stokes, C. E. Gooding, J. C. Bishop, Porter Warner; Central, J. S. Bartholomew, F. M. Allen, L. P. Elliott, E. E. Cunningham; Lead City, D. Edwards, L. D. Brokaw, F. S. Topping; Galena, A. McDonald, W. H. Wood; Crook City, James A. Hand; Gayville, John Graham, B. B. Kelley; Bear Gulch, E. B. Crocker, Frank Cushing.]

Lincoln County, W. M. Cuppett, W. F. Dunham, G. W. Harlan, M. T. Hoga-boom, N. C. Nash, A. B. Wheelock, A. D. Brandhagen, T. J. Thonstad, Geo. Sabin, E. Dean; McCook, C. H. Winsor, proxy for N. VranVranken; Minnehaha, J. L. Phillips, M. Grigsby, R. F. Pettigrew, B. F. Campbell, L. Bothum, J. R. Jackson, Albion Thorne, Joseph Roberts, John Nelson, Ole Bergerson; Moody County, Manlius Rogers, J. S. Lacy, and M. M. Chamberlain; Pembina County, Judson LaMoure, J. Winchester, H. R. Vaughn; Pennington County, Frank P. Moulton, L. W. Bell, Fred T. Evans, G. O. Perro, B. B. Benedict; alternates, Dennis Maguire, M. H. Kendig, Arthur Harvey, T. J. Stafford, W. H. Brainerd; Richland County, J. Q. Burbank, M. T. Rich, J. M. Ruggles; Stutsman County, Harvey C. Miller, George E. Vennum; Sully County, not represented; Traill County, Asa Sargent, E. S. Jahr, C. W. Morgan; Turner County, J. A. Childs, T. B. Buchanan, John Turnbull, Joseph Allen, A. W. Hilton; proxy, J. H. Shurtliff for Turnbull; Union County, S. S. Adams, M. M. Williams, Howard Mosher, Alexander Hughes, J. A. Wallace, John Clementson, Sever Johnson, L. D. Hyde, Charles Overton, Jesse Aiken; C. F. Mallahan, proxy for Mosher; Yankton County, Newton Edmunds, Jacob Brauch, H. B. Wynn, J. R. Gable, L. Congleton, Joseph Peir, Geo. W. Kingsbury, W. H. H. Beadle, Ole Sampson, Clark West.

E. Bailey was admitted as a delegate from Morton County, and D. C. Thomas from Hamlin County.

The Committee on Resolutions was composed of W. H. H. Beadle, Alex. Hughes, G. W. Harlan, G. R. Hillebrand, F. J. Cross, S. S. Adams, E. A. Williams, G. W. Walsh, C. Morgan.

The Committee on Permanent Organization, A. F. McAuley, R. F. Pettigrew, J. A. Wallace, F. T. Evans, F. J. Cross, J. P. Belden, J. N. Griffin, W. H. Woodruff, J. E. Haggart.

The Committee on Permanent Organization reported recommending Col. W. H. Parker for chairman, and F. A. Williams and W. H. H. Beadle, of Yank-



ton, for secretaries. The report was adopted. General Beadle withdrew as secretary, and G. W. Kingsbury was appointed.

Nominations for delegate in Congress being in order, the names of the following persons were formally presented as candidates: G. G. Bennett, of Lawrence County; W. P. Dewey, of Yankton County, presented by Stutsman County; J. P. Kidder, present congressman; G. C. Moody, of Yankton.

The sentiment of the various delegations was presumed to be divided among the leading candidates as follows: The vote of a number of the northern counties was cast for Mr. Tyler, of Cass County, for a number of ballots, and when he was dropped Colonel Lounsberry, of Burleigh County, was voted for. The counties finally voted:

For Kidder—Barnes, 2; Bon Homme, 6; Burleigh, 6; Clay, 10; Codington, 1; Grand Forks, 4; Lake, 1; Lincoln, 10; Minnehaha, 10; Morton, 1; Moody, 3; Pembina, 3; Richland, 3. Total, 60.

For Bennett—Cass, 4; Custer, 4; Lawrence, 20; Pennington, 5. Total, 34.

For Moody—Armstrong, 1; Brookings, 2; Cass had 7 votes, 4 went to Bennett, 3 for Moody; Charles Mix, 1; Davison, 1; Deuel, 1; Hanson, 1; Hamlin, 1; McCook, 1; Traill, 3; Turner, 5; Yankton, 10. Total, 30.

The informal ballot resulted—Kidder, 59; Moody, 31; Bennett, 30; Dewey, 5.

First formal ballot—Kidder, 60; Bennett, 30; Moody, 30; Tyler, 16; Dewey, 3. Necessary to a choice, 70.

A number of ballots were taken without disclosing any significant change. The seventh ballot stood, Kidder, 62; Moody, 29; Bennett, 30; Tyler, 18. Mr. Tyler was a Cass County citizen.

The convention then took a recess until 8 o'clock P. M.

After recess the convention entered upon the eighth ballot which resulted, Kidder, 60; Bennett, 57; Moody, 20; Lounsberry, 2.

The significant change here was the transfer of ten of Moody's votes from Union County to Bennett, as it had been the Moody delegates that had been most conspicuous in the efforts to defeat a renomination of Mr. Kidder, and before the vote was announced Hutchinson County changed three votes from Moody to Bennett, which was followed by a number of changes to Bennett, and finally Yankton County joined in the stampede; but before any announcement of the vote was made, Williams, of Burleigh County, moved that the nomination of G. G. Bennett, be made unanimous. The motion prevailed, and Granville G. Bennett, of Lawrence County, was declared the unanimous nominee for delegate to Congress.

The claim was made after the convention adjourned, and found its way into the newspapers, that during the tumult that attended the change of votes, Judge Kidder at one time had a majority, and that he was nominated. Mr. E. A. Williams, of Burleigh, one of the secretaries, and a Kidder delegate, who kept account of the balloting and changes as they proceeded, called for an unanimous vote for Bennett when he discovered that he had a majority, and he would not have missed an opportunity to have made a similar motion for the nomination of Kidder had that candidate at any time received seventy votes. The incident, however, left an unpleasant feeling in the minds of the Kidder men, which was largely shared throughout the territory by the friends of the defeated judge.

It will be observed that Colonel Moody was a member of the nominating committee from Yankton County. The colonel was an influential member and at the critical time gave his support to Bennett and secured his nomination. And it will be further observed that Bennett resigned his judgeship after being nominated and Colonel Moody was appointed to succeed him.

Clay County resented Kidder's defeat, as unfair, by opposing Bennett throughout the campaign, and though having a fair majority for the republican candidates, as a rule, gave a majority at the election for Bartlett Tripp, the democratic candidate.

The Committee on Resolutions presented the following, as the platform of the territorial republican party, which was unanimously adopted:

Resolved, That we hold an undebatable truth that the territory is a great and noble enterprise for the people of the republic, and that it is our duty to uphold the humane and lofty principles which in times of public trial created and inspired it.

Resolved, That to be and continue a great nation the United States must be a government founded throughout upon principles of law which make citizenship honorable and secure to it all its franchises and privileges, and which secures free suffrage, keeps untrammelled all political rights and responds to loyal fealty with every means necessary to promote its honest welfare.

Resolved, That we pledge the republican party of Dakota and its representatives in whatever department, to advance with all its zeal the promotion of these ends and the development of the territory, to build up free local government, enact wise and wholesome laws, enforce strict economy in public expenditures, extend the blessing of education and make pure and liberal the safeguards of society, and lay broad and deep the foundations of our growing commonwealth.

Resolved, That we present to the people of the territory the name of Hon. Granville G. Bennett, for delegate to Congress, and under his leadership we congratulate the people on the certain assurance of republican victory in every county throughout the territory.

Alexander Hughes, of Union, was elected chairman of the Territorial Central Committee by the convention, and the following names were appointed members of that body—four from each Judicial District, to-wit:

First District—(Black Hills)—John Hildebrand and Mr. Marshman, Lawrence County; F. J. Cross, Custer County; E. VanCise, Pennington County.

Second District—E. B. Dawson, Clay County; R. F. Pettigrew, Minnehaha County; G. C. Moody, Yankton County; W. M. Cuppett, Lincoln County.

Third District—E. A. Williams, Burleigh County; Geo. H. Walsh, Grand Forks County; Alex. McHench, Cass County; T. S. Collins, Cass County.

A brief address of acceptance by Judge Bennett, the nominee, closed the proceedings, when the convention adjourned.

Mr. Bennett had been judge of the First District and a citizen of Clay County, prior to being assigned to the Black Hills in 1877, and was highly regarded by the people of all sections.

#### SETTLEMENT OF ICELANDERS

In the early modern settlement of the Red River Valley by the agricultural class, the Icelanders performed a conspicuous part, coming by way of the North from Hudson Bay and from the Fatherland, and also from the Icelandic settlement in Wisconsin, where they had been living as sojourners. These people appear to have performed the same kind of valuable service for the Red River of the North Valley, and particularly for Pembina County, that the Scandinavians, Bohemians and German Russians did for the counties bordering the lower James River Valley a few years earlier. They endured all the privations incident to opening up a new country in a much severer form than was experienced by the southern pioneers. They were poorly provided with money and equipment for the arduous work, and the locality of their pioneer experiences was remote from other settlements and market places. They were meagrely supplied with the ordinary comforts of domestic life, almost empty handed, but fortunately endowed with rugged constitutions hardened to privations in the inhospitable island where they first saw the light. They were frugal from life-long habits, temperate, industrious, Christians of the rigid Orthodox faith and practice, punctilious in the observance of the requirements of their church, intelligent and fairly well educated, while a number had attained respectable rank as scholars. And all this they had acquired before leaving the Fatherland, which notwithstanding the rigors of its climate and the poverty of its soil, was dear to them and they fondly remembered it. They were clannish, as nearly all foreign nationalities are during the lives of the first generation.

A colony of these people direct from Iceland, reached Washington Island, in Northern Wisconsin, in the summer of 1871. There had been a settlement of their countrymen in that section for a number of years; but this colony was headed for the North Pacific Railroad country, and Pembina County was their destination.

A settlement was made by these people in Pembina County as early as 1878; a number of natives of Iceland who had first settled in Manitoba near Lake Winnipeg, to which point they came direct from the old country, were led out of that section by Rev. Paul Thorlaksejn, Fridjohr Fridericksen, Samson Bjornason, Johann P. Hallson, Magnews Steffanson, Arni Bjornson, Jon Hingdal, Gisli Eigilsson, Jonas Jonsson being the pioneers, some of them with their families. The settlement was made near the headwaters of the Tongue River. The community began the cultivation of the soil the first year of their arrival. Some land was broken up, and in 1879 a small crop of wheat was produced, but it is related that the colonists were compelled to put themselves on short rations during the winter succeeding. Further additions were made to the population in 1879, and new settlements were formed in the same portion of the county. Jon Bergisson from New Iceland on Winnipeg Bay, and Butler Olsen came out from the settlement in Wisconsin, together with Olsen Siginjon, Semineson and Benedict Johannesson. These early farmers hauled their wheat to Fargo to market. In 1880, New Iceland, on Lake Winnipeg, sent up a large number of settlers, induced by the favorable reports received regarding the fertility of the soil and salubrity of the climate on the American side. And 1880 was a very fruitful year. The Icelanders prospered and were proportionately happy. They were good farmers as a rule. The first church was organized in 1880, under the direction and pastorate of Rev. Pall Thorlakssen, who had been the leader as well as pioneer of the settlement from the first. Thorlakssen died in 1882, and Rev. H. B. Thorgrimson succeeded him. The settlement continued to grow and thrive until the Icelanders were in political control of five townships in the county, Pembina having adopted township organization. Schools were established as early as 1881 and the school officers were native Icelanders, but conformed to the territorial law regarding common schools, scrupulously.

The Great Northern Railway was built up through Pembina County in 1881, and gave the farmers a nearer and more profitable market for their grain.

In politics, the Icelanders are said to scrutinize the records of men and parties closely, and vote for men and measures on merit and not as partisans. They are respected as among the best citizens of the county, and their settlements are a credit to the commonwealth.

#### DEMOCRATIC TERRITORIAL CONVENTION

A call for the Democratic Territorial Convention was proclaimed July 24th, calling the convention at Yankton, August 29th. Delegates were apportioned as follows:

Armstrong County, 2; Burleigh, 4; Barnes, 1; Bon Homme, 5; Brule, 1; Brookings, 1; Clay, 5; Custer, 3; Cass, 2; Codington, 1; Charles Mix, 1; Davison, 1; Deuel, 1; Grant, 1; Grand Forks, 1; Hutchinson, 1; Hanson, 1; Lincoln, 5; Lawrence, 22; Lake, 1; Minnehaha, 24; Moody, 1; McCook, 1; Pembina, 1; Pennington, 5; Stutsman, 2; Richland, 1; Sully, 1; Turner, 3; Traill, 1; Union, 7; Yankton, 8. Total, 95.

The convention assembled at Yankton on the 29th, and was called to order by Capt. E. M. Zeibach, chairman of the Territorial Committee, who presented Hon. J. W. Turner, as temporary chairman of the convention, and he was duly elected. C. H. McKinnis, of Lawrence County, was chosen secretary. Responding to the wish of the convention, the chair then appointed the following committees:



On Credentials—First District, John Manning, Jerome Hollenbeck, C. W. McKinnis; Second District, M. H. Day, F. E. Foster, Miles Russell; Third District, **J. A. Emmons, Aleck McKenzie, D. W. Maratta.**

On Resolutions—First District, Robert Neil, C. W. Meyer, John Manning; Second District, S. L. Spink, D. M. Inman, Jerry Gehon; Third District, **Dan W. Maratta, J. A. Emmons, Aleck McKenzie.**

On Permanent Organization—First District, C. H. McKinnis, Robert Neil, John Conway; Second District, A. Boynton, H. W. Corson, George Stickney; Third District, **D. W. Maratta, Dennis Hennefin, Aleck McKenzie.**

The only avowed candidate for the nomination of delegate before the convention was Dr. C. W. Meyer, of Lawrence County, and it was evident that the convention, and even the delegates from his own section, were displaying no effort in his behalf.

The Committee on Credentials reported the following delegates entitled to seats in the convention:

Armstrong County, C. J. Rardin, Frank P. Baum; Burleigh County, D. W. Maratta, James A. Emmons, Aleck McKenzie, Dennis Hennefin; Brule County, D. W. Spaulding; Bon Homme County, C. T. Campbell, C. S. Rome, H. E. Bonesteel, E. G. Armstrong, Frank Richmond; Brookings County, William Wagner; Clay County, Marcus Robbins, Jacob Pruett, George M. Kimball, Miles Russell, H. P. Lounsbury; Cass County, H. S. Baek, George Egbert; proxy, Maris Taylor; Charles Mix, Felicia Fallas; proxy, M. H. Day; Custer County, Thomas Foley, W. E. Hoffman, J. C. Sanders; Davison, H. C. Greene; proxy, S. L. Spink; Hutchinson, A. E. Parmenter; Hanson, Frank B. Foster; Lawrence County, Robert Neil, C. W. Meyer, C. H. McKinnis, J. Hollenbeck, Frank Abt, William Nelson, H. Wilkinson, J. McDermott, Eugene Wood, W. G. Gates, George Wustum, H. B. Beam, S. P. Romans, J. M. Murphy, Thomas Tarry, John Conway, C. C. Higbee, C. W. Anderson, H. C. Clark, L. M. Stone, M. W. Robinson, T. J. Webster, John Manning; Lincoln County, Abe Boynton, J. V. Conkling, Jerry Gehon, O. D. Hinckley, J. S. Kibby; Lake County, Lewis E. Gibbs; Minnehaha County, W. H. Corson, William Howie, J. Huntamer, W. G. Blow, C. K. Howard, proxy for Howie, and J. Huntamer, for Blow; Moody County, William Jones, proxy, C. K. Howard; Morton County, F. E. Gerard, G. Hamon, proxy, J. A. Emmons; Pennington County, D. W. Flick, C. L. Wood, J. N. Dedrick, W. H. Beedle, N. Newbanks, proxy, C. H. McKinnis; Stutsman County, D. M. Kelleher, J. W. Goodrich, proxy, D. W. Maratta; Turner County, John W. Turner, J. Murphy, J. Johnson; Union County, E. W. Miller, G. W. Kellogg, J. Ryan, George Stickney, Vincent LaBelle, E. B. Wixson, Cyril Montague; Yankton County, S. L. Spink, F. M. Zeibach, L. B. Partridge, J. R. Sanborn, A. M. English, J. Brinkerhoff, J. B. VanVelsor, Charles VanEpps; Codington, Deuel, Grant, Grand Forks, Pembina, Richland, Sully, and Traill counties, entitled to one vote each, were not represented. Emmons County was given two votes, and the report was adopted.

The Committee on Permanent Organization reported recommending C. W. Meyer, of Lawrence County, for president of the convention, and D. W. Inman, of Clay, and J. A. Emmons, of Burleigh, secretaries. The report was adopted.

On motion of Oliver Shannon the convention then proceeded to the nomination of a candidate for delegate to Congress.

Dan W. Maratta, of Burleigh County, presented the name of Bartlett Tripp, of Yankton, for nomination; and J. W. Turner seconded the nomination, and moved that Bartlett Tripp be declared the unanimous choice of the convention for delegate. The motion of Mr. Turner was unanimously agreed to, and Bartlett Tripp was declared duly nominated.

A committee consisting of Robert Neil, D. W. Maratta, and A. Boynton was appointed to notify Mr. Tripp of his nomination.

Dr. C. W. Meyer, of Lawrence County, was elected chairman of the Democratic Territorial Committee.



The Committee on Resolutions submitted the following report, which was adopted as the party platform:

Resolved, That the withholding from settlement of large tracts of land within our territory and reserving the same for the use of roaming bands of savages is detrimental to the best interests of the people, not only of Dakota but of the whole country; that these bands of Indians should be removed to the territory set apart for their use or confined to smaller tracts of country, and the balance of such reservations opened to settlers under the pre-emption and homestead laws of the United States.

Resolved, That all military reservations in Dakota should be of the smallest practical dimensions, leaving the largest possible area of lands for the benefit of the actual settlers from the overcrowded communities of the East.

Resolved, That we deprecate and condemn the policy adopted by the national administration, of filling all the important offices of the territory with non-residents—men who have no interests in common with the people, and no knowledge of their wants and necessities.

Resolved, That Dakota Territory, having been organized for more than seventeen years, and having at the present time a population of more than one hundred thousand inhabitants, has within her limits men of sufficient ability and integrity to fill all her offices, from the lowest to the highest, and that sound policy would dictate that her officers be selected from her own people.

Resolved, That the Legislature about to be elected should take as a basis of apportionment in the Council and House of Representatives, the vote actually cast by each county at the last election preceding such apportionment, and every organized county in the territory should be represented in the Territorial Assembly.

Resolved, That in presenting to the voters of Dakota, as our candidate for delegate in Congress, Bartlett Tripp, of Yankton County, a man whose interests during a residence of ten years have been identified with those of the whole people, we are affording a sufficient guarantee to the whole people, electors of our territory, that their interests in Congress will be faithfully and efficiently guarded, irrespective of section or locality.

Resolved, That we cordially invite men of all parties who endorse the principles above enunciated to unite with us in securing the triumphant success of our nominee at the polls next November.

The following Territorial Central Committee was then appointed. First District, W. S. Kuykendall, W. C. H. McKinnis, Lawrence County; Doctor Flick, of Custer, and N. Newbanks, of Pennington.

Second District—Abe Boynton, of Lincoln; F. M. Zeibach, of Yankton; D. M. Inman, of Clay, and E. W. Miller, of Union.

Third District—John P. Dunn, and Wm. Thompson, of Burleigh County; George Egbert, Cass County; D. M. Kelleher, of Stutsman County.

Bartlett Tripp then appeared before the convention and in a brief speech accepted the nomination and promised to make a thorough canvass of the territory during the campaign. The convention then adjourned.

It was generally conceded that the democrats had made a wise choice in selecting Mr. Tripp as their candidate. He was their strongest man before the people and possessed the esteem and confidence of thousands of republicans.

Owing to the open disaffection in the republican ranks, especially in Clay County, growing out of the defeat of Judge Kidder by reputed unfair means, there was a strong probability that the election was to be a close one. The vote of the Black Hills, claimed to be about four thousand, so far as it had been tested in the local election of 1877, the only election that had been held in that portion of the territory, was decidedly democratic.

The campaign that followed was spirited and marked with intelligent energy on behalf of the candidates, both of whom were able men, and popular with the masses. The Black Hills vote was relied upon by the democrats to turn the scale in their favor; the eastern and northern settled portions of the territory being regarded as safely republican, though Mr. Tripp had the support of influential elements among the republicans of the eastern counties. It was a strenuous campaign and the principals in the contest gave their whole time to the contest, and spoke at nearly every road crossing as well as at the larger settlements of the territory. The estimated vote of the territory was 20,000, which seemed to

be justified by the influx of new people into every portion of the territory where settlements could be expected, especially in the Black Hills.

At the election in 1876, the total vote of the territory was 8,552 given by the various counties, as follows:

Armstrong, 60; Burleigh, 449; Barnes, 50; Bon Homme, 629; Brule, 17; Brookings, 76; Clay, 843; Cass, 304; Charles Mix, 60; Davison, 24; Grand Forks, 124; Hutchinson, 125; Hanson, 38; Lincoln, 883; Lake, 47; Minnehaha, 871; Moody, 153; Pembina, 207; Richland, 128; Stutsman, 156; Sully, 30; Turner, 336; Traill, 161; Union, 1,214; Yankton, 1,402.

Election in 1878 occurred on Tuesday, November 5th, and resulted in a republican victory, Bennett being elected by a majority of 1,062, out of a total vote of 19,076, as canvassed by the territorial board, which is best shown in a list of the counties, as thereby information of the growth of population in the various sections can be obtained. The official list follows:

County	Bennett	Tripp
Armstrong	48	49
Burleigh	243	529
Barnes	60	18
Bon Homme	423	113
Brule	...	16
Brookings	130	92
Clay	470	514
Cass	604	278
Custer	18	54
Charles Mix	20	27
Codington	54	86
Davison	5	27
Deuel	130	32
Grand Forks	370	308
Grant	66	...
Hutchinson	178	68
Hanson	34	32
Hamlin	13	17
Lincoln	635	200
Lake	160	90
Lawrence	2,420	2,001
Minnehaha	849	503
McCook	64	24
Moody	351	175
Morton	58	19
Pembina	238	123
Pennington	206	345
Richland	142	99
Stutsman	33	44
Turner	268	231
Traill	147	87
Union	602	614
Yankton	983	727
Totals	10,566	8,493

When the territorial board canvassed the vote in December following, it threw out the vote of Brule, Grand Forks, and Lake counties. Brule County vote had been canvassed by two officers of the county; the law requiring three. Grand Forks canvass had been made by admitting a justice of the peace instead of one of the county commissioners to their canvass; and Lake County because the returns showed that both Bennett and Tripp had received the vote of the county as candidates for the Legislature.

The total vote of 1878 showed an increase of voters over the vote of 1876, of more than 10,000, a little over one half of which was cast in the Black Hills counties. This would leave something over five thousand increase east of the Missouri River, and indicate an increase of 25,000 in population in the agricultural sections of Northern and Southern Dakota. The voting population of

the Black Hills was much larger in proportion to the whole population, as is invariably the case in mining countries, than in the agricultural regions.

The Legislative Assembly of 1876-77 enacted a law providing for the election of a district attorney in 1878, for each Judicial District, and thereafter, for each Judicial District, and also providing that the office of county district attorney should cease after 1878. The district attorney became the prosecuting officer for all the counties in the Judicial District for which he was elected. There were at that time three judicial districts. The Black Hills region had become a part of the Territory of Dakota after the law was enacted; but provision had been made in the law for the first district to include the Black Hills in such contingency; the third district included all north of the 46th parallel of latitude, and the second district all south of the 4th parallel east of the Missouri River, except the counties of Gregory, Todd, Lyman and Presho and included the counties of Todd, Gregory, Lyman and Presho, west of the river. Edwin Van Cise was elected the first district attorney of the First District; Ellison G. Smith, of Yankton, was elected the first district attorney in the Second District; and John A. Stoyell, of Bismarck, the first in the Third District.

#### HAYES IN DAKOTA

The President of the United States, Rutherford B. Hayes, with Mrs. Hayes, paid a visit to Dakota in 1878, accompanied and escorted by Governor Howard, whom he had recently appointed governor, and with whom he had enjoyed many years of personal acquaintance. Both were veteran generals of the Civil war. Accompanying the presidential party were a number of notable citizens of the United States, southern and northern, eminent in war and in Congress. The entire party numbered about one hundred persons. General Sibley, of Minnesota; the governor and senators of Minnesota; Senator Butler, of South Carolina; Col. Ben. Yancey, of Georgia; Governor Smith, of Wisconsin, and Hon. J. V. Farwell, of Chicago.

The arrival at Fargo occurred at half past 8 o'clock in the morning and breakfast was taken at the Railroad Hotel, after which the President addressed an audience numbering about five hundred sturdy and intelligent Dakotans, from the balcony of the House, substantially, as here reported:

The President began by saying that this was not his first visit to the territory; that he had been here six years before at the time the Northern Pacific Railroad was being built across the territory, and he was thoroughly surprised at the progress he could witness in settlement and improvement. He made reference to the conditions of the country generally and the progress it was making under free institutions. Wherever he went he found intelligent, industrious and prosperous people, and even here, on almost the verge of agricultural settlement he found practical results of the resistless energy which characterizes our race. He then referred to the natural curiosity of the people to see men of note, and was glad that he was able to gratify that curiosity by introducing some of the eminent gentlemen who had accompanied him.

Attorney General Devens was the first introduced. He proved to be an excellent speaker and well informed of the history of the Dakota country. He dwelt eloquently upon the agricultural capacities and the future of the Northwest. Governor Howard followed and made a speech that fairly thrilled his listeners. He spoke for Dakota, and into the ears of the President and some of the members of his cabinet, and to a score or two of congressmen who were in the party. The governor seemed to have in mind that it was of more value to have at that time the assistance of the rulers of the country, than to use the opportunity in complimenting the people or praising the natural wealth of the Dakota domain. And he therefore made an urgent appeal to Congress to be more liberal with its appropriations. He cited the difficulties in procuring a survey of the public land, which retarded and discouraged settlement and added to the burdens of the pioneers. He stated that he had already, in 1878, organized five new counties, and that the population of Dakota had increased about 40 per cent in that period.

Count Levenhaupt, minister from Norway and Sweden, then spoke some fitting words for his countrymen in Dakota. His words fell upon scores of people in the audience who were natives of the fatherland the count represented, and raised a shout of approval after the fashion practiced in the "land of the midnight sun." This speech excited much cordiality. The count had struck a responsive chord.



Following the count came Senator Windom, and Senator H. H. Miller, and Congressman Stewart, and Gen. H. H. Sibley, of Minnesota, Col. Ben Yates, of Georgia, General Smith, of Wisconsin, Senator Butler, of South Carolina, and Hon. J. V. Farwell, of Chicago.

The Northern Pacific Railway had been halted at Bismarck, for nearly five years, and was now prepared to resume the work of extending to the Pacific Coast, the importance of which movement was eloquently emphasized by the distinguished galaxy of orators.

A number of ladies were among the audience, and they were sincerely desirous of seeing the President's wife, who stepped to the balcony, and gratified their laudable curiosity. The "first lady of the land"—a successor to the honorable title born with Mrs. President Martha Washington, waved her handkerchief, smiled profusely, and exhibited her pleasure at the greeting which had come to her from her pioneer sisters of the Dakota plains.

During the forenoon the party rode out west to the Dalrymple farms, about eighteen miles. These famous acres bordered the railway, and the work of threshing the grain, just harvested, was in progress. The farms extended along the track six miles and embraced 13,000 acres. The yield this season had averaged about twenty-five bushels to the acre, and aggregated 325,000 bushels, from the portion that had been cultivated, all first grade. There were forty steam threshers at work on the great plantation, and thirty-six cars were loaded every day and shipped to Duluth and Minneapolis. Hundreds of teams were in sight, plowing for the crop of 1879. The President and his party spent two hours, under the escort of Mr. Dalrymple, riding about the farm, witnessing the novel and exhilarating industry which surrounded them, and securing a fund of information that would embellish their public addresses and private conversations for years to come. There was no other portion of the globe that could furnish a counterpart of that which they were witnessing, and although they had read and heard much of the great Dakota wheat fields, the demonstration before their eyes surpassed their expectations.

There was nothing more to show the visitors—that is, nothing that would equal in magnitude what they had seen and experienced, and the brief stay with Mr. Dalrymple closed the formalities of their Dakota visit, and the same evening the presidential train, traveling at an average speed of thirty miles an hour, departed for St. Paul.

#### GENERAL SHERIDAN'S REPORT—TROOPS IN DAKOTA

The annual report of Gen. Philip Sheridan, commanding the Military Division of the Missouri, for 1878, shows the names and number of the sub-departments, the commanders, the number of troops, the various forts and their garrisons, and other information. As 1878 was as near the crowning year of Dakota's military population and utility, as any, and was also much disturbed by important Indian problems having to do with the location of that element of Dakota's population, the commanding general's information will be valuable as historical matter, and also entertaining. The portion of interest to Dakotans is given following:

There has been no change in the organization of this military division during the past year. It consists of the following departments, namely: The Department of Dakota, embracing within its limits the State of Minnesota, and territories of Dakota and Montana, with twenty-five permanent forts, and three campsments of observation, commanded by Major Gen. John Gibbon, in the temporary absence of Brig. Gen. Alfred H. Terry. The Department of the Platte, embracing the states of Iowa and Nebraska, the territories of Wyoming and Utah and a portion of Idaho, with twenty permanent posts and two camps of observation, commanded by Brig. Gen. George Crook. The Department of the Missouri, embracing the states of Illinois, Missouri, Kansas, and Colorado, the Territory of New Mexico and the Indian Territory, and the posts of Fort Wess and Fort Elliott in Texas, with twenty-four permanent posts, commanded by Brig. Gen. John Pope. The Department of Texas, embracing the State of Texas, with thirteen permanent posts and numerous camps of observation, commanded by Brig.-Gen. E. O. C. Ord.



To garrison these eighty-two permanent posts and the camps of observation, covering the country from British America on the north to the Rio Grande on the south, we have only four companies of artillery, averaging fifty-three men each, eight regiments of cavalry, averaging seven hundred and sixty-five men each, and eighteen regiments of infantry, averaging four hundred and fifty-two men each, which, as will be seen by the reports of General Ord and General Gibbon, gives us only one man to 120 square miles in the Department of Texas, and one to every seventy-five square miles in the Department of Dakota, and about the same ratio in the departments of the Platte and the Missouri. When it is borne in mind that this immense section of country has to be constantly under surveillance against Indians and raiding parties from the Mexican side of the Rio Grande, the work that has to be performed by that portion of our army located in this military division will be appreciated by all military men, and by those who have ever lived upon our frontiers.

No other army in the world has such a difficult line to keep in order, and no army in modern times has had such an amount of work put upon the same number of men. In all other countries it is the custom to establish garrisons of not less than a regiment or a brigade where we leave the performance of similar duties to one or two companies. With us, regiments are rarely, if ever, together; the posts are generally garrisoned by one, two or four companies, who are expected to hold and guard against one of the most acute and wary foes in the world, a space of country that in any other land would be held by a brigade. To do this requires sleepless watchfulness, great activity, and tireless energy, and I am gratified to know that, as a general thing, our officers possess those soldierly qualities.

The frontiers have been greatly advanced, and mineral and agricultural interests have been largely developed, while the cattle and sheep interests are assuming extraordinary proportions. The valleys of the Yellowstone and the valleys along the eastern base of the Big Horn Mountains are gradually opening up with settlements and mail routes. The mineral wealth of the Black Hills is now undoubted, and ores exist in such quantities as to be almost inexhaustible, while the country around the foothills, embraced by the south branch of the Cheyenne River and the Belle Fourche, presents the most favorable prospects agriculturally.

The Territory of Dakota in 1878 contained sixteen military posts and camps, garrisoned by the troops and commanded by the officers named in the following list, to-wit:

General in Command—Brevet Maj.-Gen. Alfred H. Terry.

Aides-de-Camp—Capt. Edward W. Smith, Eighteenth Infantry; Capt. R. P. Hughes, Third Infantry; First Lieut. E. B. Gibbs, Sixth Infantry.

Department Staff—Maj. George D. Ruggles, adjutant general's department; Maj. Thomas F. Barr, judge advocate; Lieut.-Col. Chas. H. Tompkins, chief quartermaster; Maj. M. R. Morgan, chief commissary of subsistence; Col. W. J. Sloan, medical director; Maj. C. J. Sprague, chief paymaster; First Lieut. Edward Maguire, chief engineer; Capt. O. E. Michaelis, chief ordnance officer.

Quartermaster's Department—Maj. W. B. Hughes, depot quartermaster, Yankton, D. T.; Capt. Henry W. Janes, chief quartermaster, Helena, Mont.; Capt. James G. C. Lee, depot and post quartermaster, St. Paul, Minn.

Officers in the medical department will be found in the lists of the several posts named below

Pay Department—Maj. H. B. Reese, St. Paul, Minn., charged with payment at independent posts, Fort Buford excepted; Maj. William Smith, St. Paul, Minn., charged with payments at posts on the Missouri River from Standing Rock Agency to Fort Stevenson, D. T., inclusive; Maj. J. E. Blaine, charged with payments in the District of Montana, station at Helena; Maj. William Arthur, station Fort Buford, charged with payments at Fort Buford and in the District of the Yellowstone; Maj. Alexander Sharp, Yankton, D. T., charged with payments at posts on the Missouri River from Yankton to Cheyenne Agency, D. T., and Bear Butte, D. T.

Roster of Troops—Headquarters Seventh Infantry, Fort Snelling, Minn. Col. John Gibbon.

Lieut.-Col. C. C. Gilbert, commanding post; First Lieut. L. F. Burnett, regimental and post adjutant; First Lieut. J. W. Jacobs, R. Q. M., A. A. Q. M. and A. A. C. S.

Company B, Seventh Infantry—Capt. C. S. Kirtland, First Lieut. C. A. Booth, Second Lieut. Lewis D. Greene. Company C, Seventh Infantry—Capt. D. W. Benham, First Lieut. William Quinton, Second Lieut. C. A. Worden. Company E, Seventh Infantry—Capt. Walter Clifford, First Lieut. W. I. Reed, Second Lieut. G. S. Young. Company F, Seventh Infantry—Capt. C. Constant Williams, First Lieut. W. H. Nelson, Second Lieut. E. E. Hardin. Company H, Seventh Infantry—Capt. H. B. Freeman, First Lieut. H. M. Benson, Second Lieut. J. B. Jackson. Company K, Seventh Infantry—Capt. J. M. J. Sanno, First Lieut. J. H. Jackson, Second Lieut. D. A. Frederick. Maj. C. C. Byrne, medical director.

Fort Sisseton, D. T.—Company A, Seventeenth Infantry—Capt. W. M. VanHorne, First Lieut. J. M. Burns, adjutant, A. A. Q. M., and A. A. C. S., Second Lieut. Edgar W. Howe. Company F, Seventeenth Infantry—Capt. C. E. Bennett, commanding post; First Lieut. D. H. Brush, Second Lieut. A. E. Kilpatrick. Acting assistant surgeon, C. E. McClesney. There are two Indian scouts at this post.

Fort Totten, D. T.—Company C, Seventh Cavalry—Capt. Henry Jackson, First Lieut. W. S. Edgerly, Second Lieut. Horatio G. Sickel, Jr. Company F, Seventh Cavalry—Capt. J. M. Bell, First Lieut. W. W. Robinson, Jr., A. A. Q. M., and A. A. C. S., Second Lieut. H. S. Slocum. Company C, Seventeenth Infantry—Capt. Malcolm Arthur, commanding post; First Lieut. F. D. Garritty, Second Lieut. J. D. Nickerson, adjutant. Post chaplain, Moses J. Keller. First Lieut. Wm. B. Davis, medical department. Acting assistant surgeon, H. H. Ruger.

Fort Pembina, D. T.—Company E, Seventeenth Infantry—Capt. Ed Collins, commanding post; First Lieut. George Rublen, second lieutenant, vacancy. Company K, Seventeenth Infantry—Capt. Thomas G. Troxel, First Lieut. C. H. Greene, Second Lieut. Ormentis J. C. Hock. First Lieut. Harry O. Perley, medical department.

Fort Buford, D. T.—Headquarters Sixth Infantry. Colonel W. B. Hazen. Lieut.-Col. Daniel Huston, Jr., commanding post; First Lieut. S. W. Groesbeck, regimental adjutant; First Lieut. C. G. Penney, R. O. M.

Company C, Sixth Infantry—Capt. J. W. Powell, Jr., First Lieut. E. R. Gibbs, Second Lieut. B. A. Byren, A. A. C. S. Company D, Sixth Infantry—Capt. D. H. Murdock, First Lieut. E. W. Thibeaup, Second Lieut. T. G. Townshend. Company E, Sixth Infantry—Capt. Thomas Britton, First Lieut. W. H. H. Crowell, Second Lieut. R. T. Jacob, Jr. Company F, Sixth Infantry—Capt. W. W. Sanders, First Lieut. R. H. Day, Second Lieut. Charles Byrne. Company G, Sixth Infantry—Capt. H. S. Hawkins, First Lieut. Nelson Bronson, Second Lieut. A. L. Wagner. Company I, Sixth Infantry—Capt. W. M. Wherry, First Lieut. Jacob F. Munson, Second Lieut. G. B. Walker. Capt. Ezra B. Kirk, depot and post quartermaster. Capt. P. F. Harvey, medical department. Acting assistant surgeon, G. A. Spencer. Post chaplain, George Robinson. There are six Indian scouts at this post.

New post near Bear Butte, D. T. (afterwards Fort Meade)—Maj. H. M. Lazelle, First Infantry, commanding. Company E, Seventh Cavalry—Capt. C. S. Hsley, First Lieut. C. C. DeRudio, Second Lieut. J. D. Mann. Company M, Seventh Cavalry—Capt. T. H. French, First Lieut. A. H. Nave, Second Lieut. Baldwin D. Spillman. Company F, First Infantry—Capt. Leslie Smith, First Lieut. Douglas M. Scott, Second Lieut. Charles G. Starr. Company K, First Infantry—Capt. Kinzie Bates, First Lieut. Matthew Markland, Second Lieut. F. H. Edmunds. First Lieut. George Ruhlen, Seventeenth Infantry, attached, A. A. Q. M. First Lieut. Louis Brechemin, medical department.

Fort Abraham Lincoln, D. T.—Headquarters Seventh Cavalry. Col. S. D. Sturgis; Maj. J. G. Tilford; Maj. Lewis Merrill; Maj. Marcus A. Reno; First Lieut. E. A. Garlington, regimental adjutant; First Lieut. C. A. Varnum, R. Q. M. Company A, Seventh Cavalry—Capt. Myles Moylan, First Lieut. E. B. Fuller, Second Lieut. W. H. Baldwin. Company G, Seventh Cavalry—Capt. J. E. Tourtelotte, First Lieut. G. D. Wallace, Second Lieut. W. J. Nicholson. Company H, Seventh Cavalry—Capt. F. W. Benteen, First Lieut. F. M. Gibson, Second Lieut. A. J. Russell. Company L, Seventh Cavalry—Capt. M. V. Sheridan, First Lieut. J. W. Wilkinson, Second Lieut. James F. Bell. Maj. R. E. A. Crofton, commanding post and middle district. Company B, Sixth Infantry—Capt. Stephen Baker, First Lieut. John Carland, Second Lieut. C. A. Ingalls, A. A. C. S. Company D, Seventeenth Infantry—Capt. Cyrus S. Roberts, First Lieut. Thomas Sharp, Second Lieut. James Brennan. Company G, Seventeenth Infantry—Capt. L. H. Sanger, First Lieut. Josiah Chance, Second Lieut. H. P. Walker, A. A. G. middle district. Maj. W. D. Wolverton, medical department. Capt. E. D. Baker, quartermaster's department, post quartermaster. First Lieut. H. O. Paulding, medical department. Acting assistant surgeon, C. C. Miller. Post chaplain, J. W. Jackson. There are four Indian scouts at this point.

At Fort Abraham Lincoln Ordnance Depot—A detachment of enlisted men under First Lieut. James C. Ayres, ordnance department, commanding post.

Fort Rice, D. T.—Company A, Sixth Infantry—Capt. John S. Poland, commanding post; First Lieut. William Badger, A. A. Q. M., and A. A. C. S.; Second Lieut. Robert R. Stevens, adjutant; First Lieut. B. D. Taylor, medical department. There were two Indian scouts at this post.

Fort Stevenson, D. T.—Maj. O. H. Moore, Sixth Infantry, commanding post. Company H, Sixth Infantry, Capt. J. P. Schindel, First Lieut. A. M. Wetherill, A. A. Q. M., and A. A. C. S., Second Lieut. C. L. Gurlev. Company K, Sixth Infantry—Capt. D. Mortimer Lee, First Lieut. D. L. Craft, Second Lieut. R. E. T. Thompson, adjutant. First Lieut. T. A. Cunningham, medical department. There were three Indian scouts at this post.

Standing Rock Agency, D. T.—Headquarters Seventeenth Infantry. Col. T. L. Crittenden; Lieut.-Col. W. F. Carlin; First Lieut. W. P. Rogers, regimental adjutant; regimental quartermaster (vacancy). Company B, Seventeenth Infantry—Capt. E. P. Pearson, commanding post; First Lieut. L. M. O'Brien, Second Lieut. W. A. Mann, A. A. C. S. Company H, Seventeenth Infantry—Capt. H. S. Howe, First Lieut. Alexander Ogle, Second Lieut. C. St. J. Chubb. Company I, Seventeenth Infantry—Capt. Carlisle Boyd, First Lieut. George H. Roach, Second Lieut. Edward Chynoweth. Lieut.-Col. Elmer Otis, Seventh Cavalry. Company B, Seventh Cavalry—Capt. T. M. McDougall, First Lieut. John C. Gresham, Second Lieut. T. H. Barry. Company D, Seventh Cavalry—Capt. E. S. Godfrey, First Lieut. Lloyd S. McCormick, Second Lieut. Edwin P. Brewer. Company K, Seventh Cavalry—Capt. E. G. Mathey, First Lieut. Hugh L. Scott, Second Lieut. Herber M. Creel. Company I, Seventh Cavalry—Capt. H. J. Nowlin, First Lieut. L. R. Hare, Second Lieut. Charles M. Barrow.

Eleventh Infantry—Second Lieut. F. F. Kislingbury, First Lieut. L. M. Maus, medical department; acting assistant surgeon, J. B. Ferguson. There were ten Indian scouts at this post.

Fort Randall, D. T.—Headquarters First Infantry. Colonel (vacancy); Lieut.-Col. Pinckney Lugenbeel, commanding post; First Lieut. Allen Smith, regimental and post adjutant; First Lieut. F. E. Pierce, R. Q. M., A. A. Q. M., and A. A. C. S. Company A, First Infantry—Capt. I. D. DeRussy, First Lieut. J. J. O'Connell, Second Lieut. Nat C. Phister. Company C, First Infantry—Capt. W. N. Tisdell, First Lieut. F. M. Lynde, Second Lieut. Frank deL. Carrington. Company E, First Infantry—Capt. R. H. Offley, First Lieut. D. F. Callinan, Second Lieut. Louis Wilhelmi. Company I, First Infantry, Capt. Fergus Walker, First Lieut. R. G. Heiner, Second Lieut. H. G. Squiers. Capt. L. W. Crampton, medical department. Post chaplain, J. F. Fish.

Fort Sully, D. T.—Company D, First Infantry—Capt. Garrick Mallery, First Lieut. James Humbert, Second Lieut. M. P. Maus. Company H, First Infantry—Capt. T. M. Tolman, commanding post; First Lieut. John Hamilton, Second Lieut. James S. Pettit. Capt. W. L. King, medical department. Post chaplain, G. D. Crocker. There were three Indian scouts at this post.

Lower Brule Agency, D. T.—Company B, First Infantry—First Lieut. C. A. Booth, Second Lieut. H. T. Reed. Company G, First Infantry—Capt. H. E. Johnston, commanding post; First Lieut. R. G. Armstrong, adjutant, A. A. Q. M., and A. A. C. S.; Second Lieut. John R. Totten. Acting assistant surgeon, A. C. Bergen.

Red Cloud Agency, D. T.—Company E, Third Cavalry—Capt. Joseph Lawson, First Lieut. A. H. VonLuettwitz, Second Lieut. C. A. H. McAuley. Company I, Third Cavalry—Capt. Peter D. Vroom, commanding post; First Lieut. John J. Bourke, Second Lieut. James Allen. Acting assistant surgeon, V. T. McGillicuddy. Second Lieut. Geo. A. Dodd, attached, adjutant, A. A. Q. M., and A. A. C. S. There are fifteen Indian scouts at this post.

Spotted Tail Agency, D. T.—Company H, Third Cavalry—Capt. Henry W. Wessels, Jr., First Lieut. Royal E. Whitman, Second Lieut. George W. Baxter, Second Lieut. F. H. Hardie, attached, adjutant. Company M, Third Cavalry—Capt. George F. Ford, First Lieut. Augustus C. Payl, Second Lieut. Frederick Schwatka. Acting assistant surgeon, A. L. Flint, First Infantry. First Lieut. J. J. O'Connell, attached, in charge of station. There were fifteen Indian scouts at this post.

Cheyenne Agency, D. T.—Headquarters Eleventh Infantry. Col. W. H. Wood, commanding post and southern district. Maj. C. G. Bartlett; First Lieut. G. G. Lott, regimental and post adjutant, and A. A. G., southern district; regimental quartermaster (vacancy); First Lieut. Ira Quimby, Eleventh Infantry. Company A, Eleventh Infantry—Capt. G. L. Choisy, First Lieut. John Whitney, Second Lieut. J. E. Macklin. Company D, Eleventh Infantry—Capt. W. C. Beach, First Lieut. C. F. Roe, Second Lieut. F. W. Mansfield. Company E, Eleventh Infantry—Capt. C. A. Wilkoff, First Lieut. William Hoffman, Second Lieut. G. L. R. Brown. Company G, Eleventh Infantry—Capt. Theodore Schwan, First Lieut. L. A. Matile, Second Lieut. J. J. Dougherty. Company I, Eleventh Infantry—Capt. E. C. Bowen, First Lieut. Albert L. Meyer, Second Lieut. J. H. Philbrick. Company K, Eleventh Infantry—Capt. Mason Jackson, First Lieut. W. N. Sage, Second Lieut. R. W. Hoyt, A. A. Q. M., and A. A. C. S. Acting assistant surgeon, S. T. Weirich. Eleventh Infantry, First Lieut. D. B. Taylor, attached. There were ten Indian scouts at this post.

Five companies of the Third United States Cavalry were in camp on the Little Missouri in the summer of 1878, watching the hostile Indians. The entire Seventh Cavalry, Colonel Sturgis, was at Fort Abraham Lincoln, their headquarters, but made a campaign west and south in quest of the Indians who were committing depredations on Black Hills emigrants. The First United States Infantry was stationed at different posts in Dakota. The Sixth Infantry was also at different points in the territory. Four companies of the Eighth Infantry were in camp on the Little Missouri. A portion of the Eleventh Infantry was stationed in Dakota, the remainder in Montana. The Seventh Infantry, except one company, was also stationed at different posts in the territory. Except in the vicinity of the hills, the Indians were quiet, and their general conduct was encouraging for a return of substantial peace.

Fort Keogh was built in 1878, and was the principal military post in Montana. It was located at the junction of the Tongue and Yellowstone rivers. It was a fourteen company post for all arms, and was the headquarters of the military district, in command of Gen. Nelson A. Miles, which district extended into the Territory of Dakota. Miles City was about two miles from the post, on Tongue River.



## STATE FAIR AT VERMILLION—GOVERNOR HOWARD SPEAKS

In the year 1878 the Territorial Fair was held at Vermillion in September. The fair itself was a creditable exhibition of the agricultural and pastoral resources of the territory at that time, except that the Northern Dakota settlements were not represented, and would have added a valuable addition to the great show. Gov. William O. Howard made the principal address at the opening of the exhibition, being introduced by the Hon. John W. Turner, president of the society. The address was largely historical and quite valuable in that particular, while it disclosed to the Dakota people that their governor had formed a very favorable and intelligent opinion of the natural resources of the territory.

The governor had not prepared his address, for want of time, but "congratulated himself" in his opening remarks, that the opportunity was presented which brought him face to face with the people of Dakota, with whom he felt an interest not alone for themselves but for their great territory. He said:

It is not simply great in the extent of its landed domain and richness of soil, but it is great in many other things. I know of no other region of equal extent for which Providence had done more than for Dakota. It had been a custom of the past to speak of things about which little was known, that they were worthless. The geographers of only a short time ago had put down a large portion of the United States as the Great American Desert, the Bad Lands, the Rocky Mountains, and several other things that were intended to convey an idea of their worthless character. From this teaching many people have come to believe that Dakota was one vast desert; while in fact Dakota possesses fertile land sufficient to make more than two states as large as Ohio.

Illustrating the errors common among not only the masses of the people but extending to the leaders in the Government, regarding the Government domain, the speaker stated:

Congress once passed a law giving 6,000,000 acres of land to the soldiers of the War of 1812—2,000,000 acres in what was then known as Missouri, 2,000,000 in Illinois, and 2,000,000 in Michigan. Three years later the surveyor general reported that there was not 2,000,000 acres of land in Michigan fit for cultivation—that it was a low swampy region—that it would not be possible to lead a horse across the state—that there was not one acre in a thousand fit for cultivation. Congress believed this report and passed another law saying that the soldiers need not take this 2,000,000 acres of land from Michigan, but from Illinois. In the face of this early opinion against the value of these lands, the census returns of 1870 showed that the State of Michigan possessed at that time 230,000 horses, and this was the country over which it had been officially declared a horse could not be led. In less than fifty-five years after the passage of this law the State of Michigan had sent to the war thousands of soldiers and good soldiers, too, and many of them were cavalry mounted upon horses raised in their own state. There were now millions of acres of land under cultivation in the State of Michigan and railroads were running across it in all directions.

The governor went into these details to show how erroneous had been the general impression in regard to the unsettled lands of the great West.

The same feeling prevails largely at this day in reference to the region of which Dakota is a part. Any geography of a few years ago would show Dakota as a part of the Great American Desert. But the people will live and learn. Let them now think as they might, our destiny is in our own hands and cannot be set aside by breakers or by grasshoppers. Neither one nor the other can set aside the designs of Providence, and Providence had a design in spreading out this vast expanse of fertile country. Pluck, industry and honesty will win. We should quit trying to make something out of nothing, and make something out of the whole which is ours. I have recently visited a portion of this Great American Desert—a small fragment only—in the northern part of the territory, in which I saw a single farm of 18,000 acres. Two successive crops on this farm had paid for it, and all the improvements, all the horses, mules, and cattle, all the machinery necessary to work it, and there was now left as the result of these two years of work, \$100,000 worth of property, which had cost not a cent that had not been taken from the farm. The natural resources are ours to use, and industry was the cooperative agent. The decree had gone forth that by the sweat of his brow man should earn his bread, and if a man would not sweat he should not eat. We will certainly have our troubles, our trials, but perseverance, industry and honesty will surely win.



East and north of the Missouri River there are 70,000,000 acres of new land, fit for the plow, stretching from the Canada border to the great river. Nearly all of this is susceptible of cultivation, and is being rapidly taken up. Five new counties have been organized in Dakota during the past summer, and all of them contain as good land as can be found anywhere. Providence had in his wisdom held back the tide of settlement until the time had come, and now all could come within our borders and possess the land.

Congress has done a wise thing in setting apart the sixteenth and thirty-second sections of every township for school purposes. The meaning of this law is that we are to have a population equal to any population for general intelligence, prosperity and honesty. Nine thousand square miles of our territory are dedicated to the cause of education and it is our solemn duty to protect the fund to come from this source. My speech may not seem much like an agricultural address, but in my opinion this subject of school lands is a subject of vital importance to agriculturists. When the State of Michigan was admitted, one section in every township was set apart for school purposes. When I first went to Detroit there was not a public school in the whole city, and now it has the finest free educational system to be found. The last census showed that of the persons in Michigan above the age of ten years, only 2 per cent were unable to read and write. If Michigan could accomplish this with only one section of school land to a township, Dakota, with its two sections, should certainly be able to wipe out the 2 per cent of ignorance from among its people.

In urging this subject of education I do not speak of the higher branches of information, but upon the diffusion of a reasonable amount of practical knowledge among all classes. It should be laid down as a fundamental rule that the liberties of a people cannot be forced above its intelligence—ignorant men could not be made free nor kept free. It is therefore of the highest importance that we be true to the educational trust given to us; that we be true to ourselves and worthy of the position we occupy.

A state, a territory, a kingdom, is not the land. The land was there before the state was organized. A state is the people and the institutions of the people, and the quality of freedom within the state will be measured by the intelligence of those who make the state. I am an old man, my race is nearly run, and my ambition is satisfied. I want nothing of the people, but want to aid them in moulding the institutions of their state. A close guard over educational interests will result in the best of state organizations.

The time will come when one-half the wheat of America will be raised north of the spot we are standing upon. The future of the state is thus assured and it remains with us to create a rightful government, to so organize in behalf of the people that we might resist the bad, restrain the vicious, and protect the weak. This is sufficient. When we attempt to do more we are ourselves committing usurpation. The sheriff in the performance of his duty is the representative of the rightful government. Should his power be inadequate to the emergency, the posse comitatus lent additional aid, and the next and final step was an appeal to the military of the Government. All this that the weak might be protected and the vicious restrained. With intelligence these forces will work in harmony. To obtain intelligence protect the school fund. Washington has told us that intelligence and virtue are the only safeguards for a republican form of government, and these elements should be fostered and lifted up.

A great deal has been said about inflation and contraction, and though I am not going to wander off into politics, I will say a word or two on those subjects. I am in favor of inflation and also of contraction. In favor of inflating wheat, corn and oats, and stock; and in favor of contracting everything the people were liable to run in debt for. Inflate the articles produced and sold—the collaterals—and there would be no lack of prosperity. Contract that which is bought and consumed, and the balance would fall on the right side every time. No attention should be paid to the political schemes of the great men who do the talking. Inflate production and success will come. Inflate expenditures and failure will result. The true course followed will bring a future of which any people, any country, may be proud.

#### FLOOD IN THE WEST VERMILLION

There was an unusual number of what are popularly termed "cloud bursts" during the summer of 1878, many of them quite destructive of life and property. Rapid City was deluged by one of these remarkable storms in July, which raised the waters of Rapid Creek twenty feet in an hour, inundated the streets to the depth of a foot or more, filled scores of cellars with water, and drove many families to seek shelter in the loft of their hastily constructed habitations. A few buildings were wrecked but no lives were lost in town.

A calamity of a similar nature visited the valley of the west branch of the Vermillion River in Turner County. A Mennonite colony had gone into the valley in 1874, and had by their industry built up a prosperous and peaceful settlement. The colony had its most extensive improvements and dwelling apartments on the lowlands of the river bottom. On the morning of the 23d of July

the flood rushed in upon them, finding many yet asleep in their beds. A cloud burst a little distance above the settlement had cupped a vast column of water into the Little Vermillion, and in a few minutes that stream had cut out of its banks and was climbing the slope of the bluffs that bordered the narrow valley. The water attained a depth of from ten to thirty feet, and filled the houses to their eaves, their occupants narrowly escaping death by drowning. It was claimed that for a time the Vermillion resembled the Missouri River in breadth. Seven persons were drowned. Four of them belonged to one family named Gernig—the mother, two daughters and one son being overwhelmed before they could be rescued. The father was taken from out of the flood unconscious and nearly dead, but was revived. Jacob Goren, newly married, was drowned, and there were two other fatalities. One family was rescued from the roof of a building that soon after went to pieces in the flooded valley. All the crops in the valley were destroyed.

These cloudbursts and sudden storms occurred at many points during July, 1878, and in every instance thoroughly destroyed the grain and corn fields which at that time had been confined as far as practicable to the low lands bordering the various streams. The yield of farm produce of various kinds was greatly diminished by reason of excessive rains during the later growing and ripening season, coupled with extreme warm weather. It was estimated that fully one-third of the crop in the territory was lost by these causes, while much of the grain that was ripened was of an inferior quality.

The counties of Codington, Hamlin, Barnes, Grant, McCook and Deuel were organized in 1878. The heavy immigration was into and through these counties, to the James River Valley; and through Richland and Cass counties to the same locality.

## CHAPTER LXXXI

### DAKOTA PROVIDES FOR CARE OF INSANE AND CONVICTS

1879

LEGISLATURE THE 13TH—GOVERNOR'S MESSAGE LARGELY DEVOTED TO CARE OF THE INSANE—TEMPORARY HOSPITAL HAD TO BE ERECTED—OTHER AND ADJOINING STATES OBLIGED TO CANCEL THEIR CONTRACTS WITH DAKOTA—DAKOTA MUST TAKE UP THE CARE OF ITS OWN UNFORTUNATES—LEGISLATURE TAKES OVER TEMPORARY HOSPITAL AND LOCATES IT—DESCRIPTION OF THE FRAME STRUCTURE—DR. J. L. RAINEY OF ILLINOIS FIRST SUPERINTENDENT—HAMLIN COUNTY REPRESENTED IN THE LEGISLATURE—A NEW RAILROAD LAW—CONGRESS AUTHORIZES A FOURTH DISTRICT JUDGE—BILL AUTHORIZING CONSTRUCTION OF PENITENTIARY AT SIOUX FALLS PASSES BUT IS NOT APPROVED—JAMES J. HILL IN NORTHERN DAKOTA—RENEWAL OF THE CONSTRUCTION OF THE NORTHERN PACIFIC WEST OF THE MISSOURI RIVER—DEATH OF CAPTAIN NELSON MINER—THE GREAT FIRE IN DEADWOOD.

The thirteenth session of the Legislative Assembly of the Territory of Dakota convened at Yankton, the capital, on Tuesday, January 14, 1879. This was the first session held under the administration of Gov. William A. Howard.

The membership of the Council was made up as follows: First District (Union County), Ira Ellis and Silas Rohr; Second District (Clay County), Nelson Miner; Third District (Yankton County), Newton Edmunds and H. B. Wynn; Fourth District (Bon Homme County), M. H. Day; Fifth District (Lincoln and Turner counties), William M. Cuppett, of Lincoln, and C. B. Valentine, of Turner; Sixth District (Minnehaha County), R. F. Pettigrew; Seventh District (Cass, Richland, Ransom, Barnes and Stutsman counties), S. G. Roberts, of Cass; Eighth District (Grand Forks and Pembina counties), George H. Walsh, of Grand Forks, or Traill; Ninth District (Burleigh and Stevens counties), R. McNider, of Burleigh County; Tenth District (Hutchinson, Armstrong, Hanson and Davison counties), no councilman; Eleventh District (Brookings, Lake and Moody counties), no councilman; Twelfth District (Traill County), no councilman; Thirteenth District (Lawrence, Pennington and Custer counties), W. L. Kuykendall, of Lawrence County. The counties of Charles Mix, including the Yankton Reservation (Brule, Hyde, Hughes, Buffalo and Sully), were attached to the Thirteenth District for election purposes.

The Council organized by the election of the following officers: President, George H. Walsh, of Grand Forks County; secretary, O. A. Hubbard, of Lincoln County; assistant clerk, E. H. Foster, Stutsman County; enrolling and engrossing clerk, A. W. Heil, of Union County; messenger, M. C. Lyons, of Minnehaha County; watchman, Thomas B. Buchanan, of Turner County; chaplain, Rev. J. A. Potter, of Yankton County; sergeant-at-arms and doorkeeper, Jacob Brauch, of Yankton County.

The membership of the House of Representatives was made up as follows: First District (Union County), J. M. Peterson, Sever Johnson, Joel Webber and

Andrew Hoyt; Second District (Clay County), Knud Weeks, Johan Hager, Hans Gunderson and P. N. Cross; Third District (Yankton County), J. R. Gamble, E. C. Walton, Adolph Mauksch and Andrew Simonsen; Fourth District (Bon Homme County), J. H. Stephens; Fifth District (Lincoln and Turner counties), A. B. Foessler and O. C. Helvig, of Lincoln, and D. Stewart, of Turner; Sixth District (Minnehaha County), J. R. Jackson and J. O. Longness; Seventh District (Cass, Richland, Ransom, Barnes and Stutsman counties), J. Q. Burbank; Eighth District, no representative; Ninth District (Burleigh and Stevens counties), Ainsley Gray, of Burleigh County; Tenth District (Hutchinson, Armstrong, Hanson and Davison counties), Alfred Brown, Hutchinson County; Eleventh District (Brookings, Lake and Moody counties), Martin Trygstad, of Brookings, and O. I. Husehoe, of Moody; Twelfth District (Traill County), Michael Shelley; Thirteenth District (Pennington, Lawrence and Custer counties, with Charles Mix, Brule, Hyde, Hughes, Buffalo and Sully counties attached for election purposes), N. C. Whitfield and D. W. Flick, of Pennington County.

The House organized by the election of the following officers: Speaker, J. R. Jackson, of Minnehaha County; chief clerk, T. A. Kingsbury, of Yankton County; assistant clerk, W. D. Percival, of Union County; enrolling and engrossing clerk, W. S. Grant, of Bon Homme County; sergeant-at-arms, Julian Dix, of Lawrence County; messenger, T. W. Clark, of Lincoln County; watchman, A. Culbertson, of Bon Homme County; chaplain, Rev. J. P. Coffman, of Yankton County.

#### THE MESSAGE

Governor Howard delivered his message in person at the joint session held in the hall of the House, during the afternoon on the first day of the session, as follows:

Gentlemen of the Council and House of Representatives:

In view of the greatly improved condition of the territory, it is a pleasing duty to welcome you to your legislative labors and responsibilities. During the last two years our population has increased steadily and rapidly, probably three-fold. Our taxable property has increased in a single year more than 60 per cent. The exceeding fertility of our soil has been demonstrated. The destructive power of the locust, heretofore overrated, has become less and less, until it has been established that labor can be rewarded and a large measure of prosperity secured in spite of the ravages of the grasshopper, incurred in the past, or apprehended in the future. A rich gold and silver mining region has been opened within our borders which has already produced a large value of the precious metals, and the development of which will be a source of permanent and increasing wealth. Our educational interests are better cared for; our laws are better enforced, and more generally respected. Our finances are improved and improving. Immigration has increased beyond all former precedent in the territory, with every indication of a still larger ratio of increase for the next year. In short, all the materials are flowing in and clustering around us that must soon form a great and prosperous state. Into what sort of a state these elements shall be molded, as to what institutions shall characterize the future Dakota, must largely depend upon the wisdom and fidelity with which we meet our present greatly increased responsibilities.

The highest of all duties, the greatest of all responsibilities, that can come upon a legislative body, is the proper moulding of the institutions, which are to give character to the new and growing commonwealth. With us the present is peculiarly a formative period. The quality of our acts at this very session may affect the interests of children as yet unborn.

STATEHOOD.—Our abundant and varied resources, developed and to be developed, show that Providence has placed here an exuberance of all those physical elements necessary to the formation, growth and maintenance of a great and prosperous community. And whether these elements of statehood shall ultimately be formed into one or more states, their number and volume have greatly increased and are still increasing, and the process of crystallization has already begun. Some clear ideas of what should characterize an organized community or a free state, would seem to be necessary and appropriate before we lay aside our territorial swaddling clothes.

What, then, is a state? What is a free state? What institutions should characterize a free state? What are its legitimate functions? What are its duties and powers? A free government is simply the organized power of the good, concentrated and welded to restrain the bad, and to protect the weak from the encroachments of the strong, or in



other words, to establish justice and secure the blessings of liberty to all the people. All courts interpret its will and all officers execute its decrees. The sheriff goes forth with its processes, and even when supported by the posse comitatus, or the whole military power, he is only the minister of its will. Such a government is right in its inception and organization, and so far must receive the approbation of heaven. "Order is heaven's first law," and such a government, existing for, and securing the good of the governed, is the "creature of God." We can hardly conceive of the existence of such a government without admitting the truth of the fundamental axioms of the Declaration of Independence; for such a government can only rightfully exist by the consent of the governed, and for the good of the governed.

A state is the people in a given territory and their institutions.

A free state consists of the people and such institutions as they make for themselves.

A despotic state consists of the people and such institutions as are imposed upon them.

A free state lives in the will of its people; public sentiment shapes its course and controls its action. We judge of a state by the same rules as of an individual. "By their fruits ye shall know them." Their character must be determined by what they do; but if they do what public opinion demands, it is essential that public opinion be enlightened and virtuous. Hence it has come to be an axiom, that the only true basis of a republic is the intelligence and morality of its people. Experience goes far toward proving that the more closely the public morality is allied to, and springs from, the personal religion of the individual citizens, the better it endures the trial. The basis of public morality is the enlightened consciences of the individual citizens.

The first duty of every free state, commanded by the highest of all laws, the instinct of self-preservation, is to foster institutions for the promotion of intelligence and virtue of its people. The "liberty of a people cannot be forced beyond its intelligence;" nor can it long survive the decay of public morality. Governments rise and fall, and nations decay and pass away, but the great principles that pertain to righteous government remain unchanged and unchangeable. The Creator seems to have impressed his own immutability upon the true principles of rightful government, such as justice and truth, and equality of right.

Another important function for a state is to provide for the unfortunate,—the deaf and dumb, the blind and the insane. Humanity requires this at the hands of the state, since a kind of treatment is often required that friends and relatives could not furnish; nor could any system of voluntary charity meet the case so well; and since all are liable to these terrible calamities, it is proper that all should aid, under the control of the state, in making suitable provision for unfortunates of this class.

**INSANE.**—When the Legislature completed its labors of the last session, only seven persons in the territory were confined as lunatics. The law made it the duty of the governor to contract with the authorities of one or more of the three states of Minnesota, Iowa and Nebraska for the care and confinement of the insane in the insane asylums of said states. A contract was made with the authorities of Minnesota to confine and care for our insane for \$5.00 a week for each patient, with the cost of clothing, etc., to be added. But in June of the past year we received official notice that the asylum of Minnesota was full of patients of their own, and we must send no more there after the 1st of July, and we must take away all we had there by the 1st of October. Meanwhile the number of territorial patients had increased to above the number of twenty, and new cases were calling for admission. As Iowa and Nebraska were the only states where we could legally send them after Minnesota refused, attention was immediately turned to these two states; but the asylums of both were found full of their own. Application was made to several states East, but no place could be found in any public asylum where they could be sent even after the Legislature should meet and legalize their removal.

The best terms they could be kept in any asylum built by private enterprise was \$400 per annum each, which would amount to at least \$15,000 per year, including transportation from the remote parts of the territory to the extreme southern part of Illinois. In view of the extreme difficulties of the case, and the interests of humanity involved, the authorities of the Minnesota asylum so far modified their order as to extend the time for removing our insane from there until the 1st of February, 1879, thus giving the Legislature time to legalize some proper disposition of this most unfortunate class. While Nebraska had not room for a single male patient in their regular wards, the authorities of that state consented to receive a limited number of patients, on condition of our making such improvements in certain unfinished rooms as were necessary to confine them in the night time. As there was no law therefore I paid this out of means of my own. The expense thus incurred is much less than the extra cost of moving them to St. Peter, instead of stopping at Lincoln on the way from the Black Hills. In this way provision was made for the proper care of the insane until the 1st of February and no longer.

The question as to what could be done with these unfortunate people after the 1st of February demanded immediate attention. I could find no law for calling an extra session of the Legislature. There was no building in the territory at all suitable for the confinement and proper treatment of so large a number—probably thirty—and no law (except the law of necessity) for expending any money or contracting any debt to provide buildings. They must be provided, or at least in such a state of forwardness that the Legislature could complete them in time to receive the patients. To do this, a portion of

the work must be done before cold weather. This has been done. The work so far has been paid for from my private funds. It now remains for you to adopt and complete the work, or reject it, as, in your wisdom, you may deem proper. I had no power to incur a debt, or create any legal obligation against the territory; nor do I wish to coerce you into the adoption of any particular plan.

But the honor of this territory—every consideration of patriotic duty—every tie that binds the good man to his country—every bond of social duty—every claim of humanity, demands that you make immediate and suitable provision for the care of this most unfortunate class. When all these utter their claims with united voice, what is it but the very voice of God?

It is believed that by promptly completing the arrangements, and securing an efficient organization, and by an economical management, the insane of the territory can be well cared for and a saving made in a single year of more than the entire cost of the building, and necessary furniture and fixtures. Even if this should prove an overestimate, the statistics collected from the various asylums in the country, show that of all the persons received and cared for the first year 50 per cent are cured; while of those received during the second year, only 10 per cent recover. These statistics show that prompt and proper treatment is demanded on the score of economy no less than by the imperative claims of humanity.

A full statement of the amount expended therefor with carefully prepared estimates of the cost of completing, furnishing and managing, will be the subject of another communication to be submitted at an early day.

**PRISON.**—One of the most important subjects that should, I think, demand your early attention, is the mode and expense of keeping our convicts. It appears from the auditor's report that the cost of keeping our convicts for the two years ending the 30th of November, 1878, was \$7,301.67, while the cost of their transportation for the same time was \$12,833.33. The number is increasing, and with our largely increasing population it will continue to increase. Unless some other arrangement can be adopted, the cost of transportation alone will soon reach \$10,000 a year. So long as no steps are taken towards providing a prison of our own, this large expenditure may prove an increasing burden upon the tax payers, and an entire loss; for at the last a prison or prisons of some kind must and will be built.

The convicts are well cared for, and kept at a cheap rate at Detroit. The prison itself is all that could be desired, but the cost of transportation is a burden too great to be long endured. In view of the great extent of our territory, and of the remoteness of the different settlements from each other, and the difficulties and expense of inter communication, it would be perhaps unwise to locate and build an expensive prison at the present time, even if we had the means at our command. For, locate it where we would, a heavy expense for transportation must continue until increased immigration shall blend our settlements, and increased railroad and other facilities shall have cheapened the cost of inter communication. While I am not prepared to make, at this time, any very definite or distinct recommendations, I venture to suggest that cheap prisons or work houses, might be commenced, say one located in each judicial district, where convicts sentenced to hard labor for short terms, say one or two years, might be confined, and their labor utilized, with little if any cost for transportation. The large amount thus saved and the value of the convict labor, with only trifling additions, would furnish means of confinement as fast as required; while each would become the nucleus of such prison as would ultimately be required in the Black Hills, in Northern Dakota, and in Southeastern Dakota. The question is worthy of consideration whether short sentences, endured near the commission of the crime, would not be more salutary than punishment inflicted 1,000 miles away and among entire strangers. Should any of these suggestions be deemed of sufficient importance to receive any action within the next two years, some modification of the laws would be necessary at the present session.

Should Congress divide our territory, these prisons would be none the less useful and necessary. But in no event should any debt be created without making provision for its early liquidation. Half a dozen cells and a stockade would be enough to begin upon in each of the judicial districts, constructed so that they could be enlarged, if required. Men while convicts for long periods could be sent as now, where they are kept at cheap rates, and the comparative cost of transportation per year would be lessened in proportion to the number of years. At present the average cost of transportation from the different counties to the territorial prison at Detroit is equivalent to their keeping for 3½ years.

Should the plan above suggested be deemed objectionable, and it should be thought better to confine our efforts to the construction of one large and substantial prison in one locality, and with due regard to cheapness of material, even then prudence would dictate that we proceed very slowly, carefully avoiding the construction of any large debt, even if we were obliged to build in small sections, and no faster than required for actual use. Should we show a disposition to begin, it is possible that Congress might see the justice and the wisdom of giving us substantial aid in the construction of such a prison as would be suitable for prisoners of the United States as well as of the territory. If we do nothing toward providing for our future and increasing necessities, our taxes will have been absorbed and we will have nothing to show for them. I commend this whole subject to your thoughtful consideration.

**FINANCES.**—The amount of warrants issued during the two years ending the 30th of November, 1878, was \$48,483.08, of which amount \$30,167.32 was for the year ending the 30th of November, 1878. Of the amount drawn in 1877, \$10,015 may be regarded as extraordinary and unusual expenses. The most, if not all of this amount, it is believed, Congress should have refunded. This amount embraces the following items:

For locating roads from the Missouri River to the Black Hills, acquired by treaty, and approved by the secretary of war, \$3,000; codifying the laws, \$2,094; printing codes, \$4,921.

If we deduct this amount from the total of warrants issued, it will leave \$38,468.98 as the amount of ordinary current expenses for the two years, or \$19,234.49 as the average ordinary yearly expenses, exclusive of interest on the outstanding warrants. This amount may be slightly increased, perhaps \$1,000, by some unadjusted claims. It appears by the auditor's report that warrants to the amount of \$29,140.87 have been canceled and are now on file in his office, thus:

Of these there were redeemed of the issue of 1874, \$107.33; 1875, \$1,770.44; 1876, \$9,707.32; 1877, \$16,262.79; 1878, \$1,232.99. Warrants redeemed in two years on file with the auditor, \$29,140.87. Deducting the amount paid on warrants issued in the years 1874 and 1875, \$1,937.77, and it would leave \$27,203.10 applicable to the cancellation of warrants issued during the two years ending November 30, 1878. This amount deducted from the whole issue of the two years, leaves \$21,280.80 as the amount of outstanding warrants, exclusive of interest, on the 30th of November, 1878.

The treasurer reports warrants paid, now in his office and notified to be paid, to the amount of \$9,150.47. Assuming this to be correct and deducting the \$6,100.58 it should reduce the amount of outstanding warrants to \$15,180.30 exclusive of accrued interest on the same, estimated at \$1,500.

This should make our entire indebtedness upon outstanding warrants for principal and interest, on the 30th of November, \$17,280.30 instead of \$23,233.47 as by the statement of the treasurer.

The error of the treasurer seems to arise by his reporting warrants redeemed and in his office to the amount of \$2,463.08, and the further sum of \$3,637.50 as notified for redemption, amounting to \$6,100.58, and taking credit for having paid this aggregate amount and using it to account for the money he has received, and then reporting them as outstanding warrants.

On the item of \$2,463.08 he has charged interest \$328.58, and on item of \$3,637.50 accrued interest he has charged \$520.55. Total interest in the two items used in accounting for the money received, \$849.13.

The treasurer reports the total amount of receipts from all sources for the two years ending November 30th, 1878, as amounting to \$38,805.55, and he gives the amount received from each county, but he does not give the date of the receipt of any portion of it. The full amount of interest claimed to have been paid is \$3,049.49, but no dates are given when any portion of the interest was paid. To test the accuracy of such an interest account, it would seem to be essential to know when the interest on each warrant commenced, and when it was paid. I recommend that your honorable body take some action as will secure a full report from the territorial treasurer and a settlement of his account.

A large portion of our expenses has been for the care and confinement of our convicts and lunatics and the expenses of transportation to prisons and insane asylums outside of the territory; and, as our warrants were at a heavy discount, it was found impossible to use the warrants except with the understanding that, when certified, they should draw 10 per cent interest until paid. This rate has been paid on all warrants duly certified. The general law makes the rate of interest 7 per cent except by special contract, when it may be increased to any rate not exceeding 12 per cent. But it is equitable and just that the outstanding certified warrants should be paid as agreed upon and that the treasurer be allowed the 10 per cent which he has paid. I recommend that you legalize the 10 per cent interest on all certified warrants now outstanding.

The heavy discount on our warrants has heretofore proved a heavy burden on our tax payers. Our warrants have ruled from eighty to ninety cents. If they float on the average one year before payment, we sell one for 85 cents, or make all contracts 15 per cent higher than we would for cash, we pay interest on \$1.00 for every 85 cents, and pay principal and interest in full at the end of the year. In this way we pay what is equivalent to 29.41 per cent interest on all outstanding warrants. With our greatly increased and increasing resources, and in the present state of the money market, all our warrants can be cashed at par, and at a rate of interest not exceeding 10 per cent, with the privilege of paying as fast as our funds will permit; so that no funds need lie idle, but may be applied as fast as realized from our taxes. In this way, without increasing our indebtedness, we may be able to save to the tax payers at least \$3,000 per annum.

Forced loans are of the most expensive kind. And warrants that float below par are among the worst specimens. I recommend that you authorize and direct the board of equalization to take such action as will without increasing the debt, bring our warrants to par and maintain them, provided the means can be had at a rate of interest not exceeding 10 per centum.

**EDUCATION.**—Under this head the governor recommends a complete revision of the school law which is found to be made up to some extent of old statutes. He says, "the



grant of lands made by Congress for school purposes, two sections in each township, or more than five million acres, if carefully preserved, and wisely applied, will at no very distant day make Dakota a model community for the general intelligence of its people, whether it shall be organized into one or more states." While the school law makes it the duty of the superintendent of public instruction to prepare and present to the governor in December of each year a full report of his transactions for the year preceding, no such report had been received for 1878; and the report of the auditor furnished the only evidence of the expenses of the office, the items therein relating merely to salary, mileage and institutes.

**RAILROADS.**—Our present railroad legislation has not, as yet, received any fair test; no railroad has been built under it as the law now stands. It is a great subject and is to have an important bearing upon the interests of our territory; but in the absence of the test of practical experience as applied to its particular provisions, I am not prepared at this time to enter upon any recommendations in detail, by way of modification or enlargement. But I content myself with the suggestion that the legislation on this subject, if any, should have two objects in view; the protection of the rights of our citizens on the one hand, and on the other such full and just security of capital, fairly invested, as shall develop the great railroad interests of the territory, so intimately connected with the prosperity of the Territory of Dakota. Indications are not wanting at the present time that this subject will assume vast importance and require very careful attention at no distant day.

**IMMIGRATION.**—The subject of immigration will deserve your consideration. Growth in population and wealth is the natural law of our territorial life—the necessity of our condition. With a denser population and greater wealth, all public advantages are increased and the welfare of all citizens is improved. With returning prosperity in the nation, and the more buoyant feeling of enterprise among the people, an increased attention is drawn toward this territory which is now augmented by the railroad enterprises within and near our borders. The favorable land laws of the United States have here their most perfect and complete application; and there remain large areas upon the borders of our settlements which offer permanent advantages to the immigrant.

It would, perhaps, be impossible to adopt any general system governing immigration, under a superintendent, without involving heavy expense, and which would be otherwise satisfactory to all sections. Our settlements are separated and hold different relations to the neighboring states and to the markets, while there is now little except official intercommunication. The several judicial districts represent the three great communities comprising our population; and it seems better to have three authorized agents of immigration, one for each of these districts, instead of a single superintendent. This arrangement would also save much in traveling and other expenses, while each would be able to organize efficiently the harmonious interests of his district and secure the cooperation of many other agencies. The expenditure of \$1,000 would give \$333 to each district, of which say \$100 could apply as salary, and the remainder be expended for printing and other necessary expenses. There is now an increasing demand for accurate and reliable information concerning Dakota, and some economical method of supplying it would doubtless result in the general advantage.

**CARE OF THE POOR.**—The law requires that the paupers shall be supported at the expense of the several counties, and defines their residence or legal settlement, with a view of fixing the responsibility of each county, for the support of its own; and it makes the probate court of each county the tribunal for determining the insanity of such persons as are to be transported and cared for from the public treasury. The practical execution of these laws has led to grave abuses. There is a constant temptation on the part of county officers to send their paupers, at a heavy expense to the territory, to be supported as lunatics. In several instances those who should have been considered as mere paupers, to be supported by the county, have been sent to the asylum at a heavy expense for transportation and care. With the law in its present form, the want of skill on the part of some probate judges and a deplorable want of integrity on the part of others, has led to great confusion and injustice. In some instances men have been sent long distances and lodged in the insane asylum, at a heavy public charge, who were just simply paupers—drunken paupers or criminals. In these cases fraudulent amounts have been certified by the probate judges for transportation in which the judge himself is said to have been interested. To avoid the danger of such abuses I recommend that the law be so modified that any county sending an alleged insane person to the insane asylum, be required to pay for the transportation thereto and for his return to his own country when he shall have been discharged from the asylum. When any person without an estate has been received and treated as an insane patient at the expense of the territory, and has been discharged from the asylum, all the expense of his return and of his support shall then rest upon the county from which he is sent, since while a lunatic he can neither gain nor lose a residence.

**THE PARDONING POWER.**—The power to pardon offenses against the territorial laws is conferred by the organic act upon the governor. In its terms the power is absolute, perhaps necessarily so. Upon him rests the responsibility of its judicious exercise. I have introduced the subject here not for the purpose of asking legislation, for you scarcely have the power to make any laws of binding force upon the subject; but we have reached that point in the development and execution of our criminal laws when its proper exercise



assumes great importance to our people, without regard to the question of where the power is placed. And as this is the first opportunity I have had to express my views of the proper limitation, and of the extent of its exercise, I avail myself of this occasion to state briefly the principles which I believe should control the action of the executive branch of the government of this important subject.

In early times, and among many nations at the present day, the doctrine of the divine right of kings has been and is maintained, and as a necessary result all crimes are against the king.

The power to pardon was a personal prerogative of the king, only absolute in form, but its exercise depended only upon his pleasure or caprice. The crime was against him, and he was the party in whose name all writs and prosecutions ran. To pardon was an act of personal grace and forgiveness, as much as to give of his own property to relieve the necessities of the poor.

But our system of government rests upon a different theory. With us the people are the source of power, and every crime, great or small, is a crime against the people. And while the pardoning power may remain absolute in form so far as it relates to the legal subjects of its exercise, in reality the whole thing is changed. The executive is simply the agent of the supreme power, and he cannot rightfully exercise clemency in any given case, except upon the ground of good and sufficient public reasons. Its exercise should be limited mainly to the discovery of new evidence which would have changed or modified the result, could all the facts have been known before judgment.

In my view the executive has no right to use this high prerogative in a way that can weaken the power of the law to restrain crime. Neither sympathy or prejudice should be permitted to break the force of a just judgment, except upon the strongest claims of humanity, or in some cases where the practical working of the law could not have been foreseen. The unerring certainty with which punishment, although not excessive, must and will follow conviction, is what restrains crime. It is believed fidelity to the public in the exercise of this high prerogative will diminish crime, and thus prove on a grand scale to be humane and merciful.

The law authorizes the governor to offer rewards for the arrest of criminals in two cases only, and these likely to occur and a wider scope for that power might prove advantageous toward the more certain punishment of crime.

**APPORTIONMENT.**—Congress at its last session passed a law reducing the number of the Territorial Council to twelve, and the number of representatives to twenty-four. This action of Congress imposes upon you the duty of making a new apportionment of council and representative districts at the present session. \* \* \*

**TERRITORIAL EXPENSES.**—There is a necessity that the expenses of the territory should be kept at the lowest point consistent with our condition and the strict requirements of public interests. Economy is most valuable in every stage of a commonwealth's growth, and this habit should especially be cultivated in the period of our formation and development, that it may become the characteristic of our institutions and the public faith be kept as an honorable heritage of our citizens. I have confidence that a constant regard will be given to this necessity in all your acts. With the increased resources of our territory, it is earnestly hoped we may not be compelled to increase the rate of the territorial tax beyond three mills upon the dollar of valuation, and it is believed such tax will produce revenue sufficient for all territorial expenses, including adequate provisions for the outstanding unpaid warrants. \* \* \*

I have purposely avoided any allusion to national affairs, that during the limited session allowed by law for your deliberations, we may devote ourselves more exclusively to that class of duties that legitimately pertain to us. You are assured that all your efforts intended to advance the interests of the territory will command my earnest attention, and receive my co-operation.

W. A. HOWARD.

The criticisms made by the governor upon the report of the territorial treasurer were displeasing to the councilman from Minnehaha County, the treasurer being one of his constituents and one of the ablest business men in the territory, and rather above the average in general character. Everybody who knew the treasurer felt confident that his accounts were all right, but he probably had not made his statement clearly understandable without some oral explanation. Whatever explanation was needed was forthcoming as soon as the treasurer learned of the criticism, and was entirely satisfactory, as is evidenced by the governor selecting the treasurer to negotiate with the state authorities of Minnesota with reference to a temporary extension of time in removing Dakota's insane, and the further vindication offered by the governor by reappointing the treasurer for another two-year term.

## REDUCING LEGISLATIVE MEMBERSHIP

At the congressional session of 1877-78, late in the session, Congress passed a law reducing the membership in the legislatures of the several territories as follows:

That from and after the adjournment of the next session of the territorial legislatures, the Council of each of the territories of the United States shall not exceed twelve members, and the House of Representatives of each shall not exceed twenty-four members. And the members of each branch of said several legislatures shall receive a compensation of \$400 a day, each during the sessions provided by law, and shall receive no mileage as the law provides. And the president of the Council and speaker of the House of Representatives shall receive \$6.00 per day for the same time.

And the several legislatures, at their next sessions, are directed to divide their respective territories into as many council and representative districts as they desire, which districts shall be as nearly equal as practicable, taking into consideration population, except "Indians not taxed;" provided, the number of council districts shall not exceed twelve, and the number of representative districts shall not exceed twenty-four in any one of the said territories. And all parts of sections 1847, 1849, 1853, and 1922, of the revised statutes of the United States, in conflict with the provisions herein, are repealed.

This law did not affect the Legislature of 1879.

## DAKOTA TO ASSUME NEW RESPONSIBILITIES

Dakota Territory as an organized government had grown to be nearly ten years of age before its citizens were called upon to assume many of the burdens which are the portion of nearly all humane civilized governments in all quarters of the globe, and which are not only uncomplainingly but willingly borne as a matter of imperative duty. We refer to the care and custody of persons of unsound mind, to the deaf, dumb and blind, to the helpless and indigent poor, and to the convicted criminal class. While some convictions for penitentiary offenses had occurred in Dakota, they were in cases that came under the jurisdiction of the United States, and the convicts were sentenced to federal prisons. Jails of very ordinary construction had been provided in some counties for the confinement and punishment of persons guilty of light offenses, and for the temporary restraint of accused persons and the mildly lawless and unruly classes, but the territory had not been called upon to provide for the keeping and care, or to sustain the cost of such keeping and care, of any of these classes during the first decade and more of its existence. This fact will serve to illustrate the moral deperiment of the people of the territory, as well as the moderate growth in population during that interval. But the day finally came during the earliest years of Dakota's second decade when this exemption from one of the highest public duties imposed by our Christian civilization could no longer be claimed or tolerated, and the law-making body was required to recognize a new and sacred responsibility, new to the annals of Dakota's legislation, and provide for its proper discharge. It cannot be claimed, however, that this duty had been at all evaded for any time whatever.

It is assumed that provision was made for the care and protection of persons so afflicted even earlier than it was generally known that the necessity existed.

The first official allusion to the subject of caring for Dakota's insane is found in the first message of Gov. John A. Burbank, delivered to the Legislature at Yankton, December 6, 1870, and reads as follows:

It is important that some provision should be made for the custody and treatment of insane persons. The care of their property is provided for in our laws, but we have no enactment under the authority of which the persons themselves may be properly cared for. Humanity dictates that this unfortunate class of persons, however few may be their numbers, should not be neglected, when prompt and careful treatment may result in their recovery. In view of this, it is important that provision should be made for their removal to the asylums of neighboring states, until their wants can be properly met within our own borders.

This recommendation of the governor was followed by an enactment authorizing the governor to arrange with the authorities of the neighboring states of Minnesota, Iowa and Nebraska, or any of them, for keeping the insane of the territory; and the Probate Court was given jurisdiction in cases of alleged insanity, to determine its validity, through the agency of proper testimony, and to commit or discharge the person suspected of mental unsoundness. Under this law an arrangement was made with the authorities of the State of Minnesota to restrain and care for the insane of the Territory of Dakota, furnishing all necessaries, except clothing, at the rate of \$5 a week for each patient. Clothing was to be an additional charge. Under this arrangement the territory sent two or three patients to the St. Peter's Hospital in that state in 1873-74 and '75, and up to 1876-77, had but seven patients in that hospital. The opening of the Black Hills in 1876-77, appeared to augment the number of patients quite rapidly, so that in 1878, the territory was keeping twenty-two patients in the Minnesota institution, at a cost per week of \$110.00, and it was claimed that thirteen of the patients were from the Black Hills, which may have been the case for a brief time, but a year later the Black Hills were charged with but eight.

In the month of June 17, 1878, the governor of Dakota, at that time, William A. Howard, was notified by the authorities of Minnesota that no more patients from Dakota would be received after the first of July following, owing to the crowded condition of their hospital, and further that the territory must arrange for the removal of the patients belonging to the territory then being cared for, by the first day of the ensuing October, 1878. Upon receiving this notice the governor immediately dispatched notice to all the counties directing the insane authorities to cease sending their insane to Minnesota, and then set to work to secure suitable accommodations elsewhere. The Iowa hospitals were in a condition of congestion with patients from that state alone, and Nebraska was the only other state that could be lawfully negotiated with. The governor visited Lincoln, where the Insane Hospital was located, and was greatly disappointed to find that institution over-crowded; but was able, by agreeing to fit up some unfinished rooms in the basement of the hospital building, to secure accommodations for five patients until February 1, 1879, and no longer. This exhausted his authority. To confine the insane in private hospitals was out of the question. He now made a further effort with the Minnesota people, and was able to secure an extension of time until February 1, 1879; and then turned his attention to providing a home for the insane within the territory. His first plan was to rent some large building in or near some of the towns in the territory, and fit it up in shape to suitably accommodate the patients after their discharge from Minnesota and Nebraska, and in the meantime (January, 1879), the Legislature would meet and could take such action as became necessary. There was no building in Yankton, the capital, suitable for the purpose; the governor visited Vermillion and Elk Point, to ascertain what could be furnished at those places, but was unable to find any structure that would answer the purpose. He informed the people of the towns of the situation, and laid before them his plan of providing a temporary asylum that could be used until the territory was prepared to erect something more substantial. His plan met with the heartiest encouragement and approval from the citizens of both places. No law had been passed by the Legislative Assembly locating the Insane Hospital of the territory, but the governor declared that necessity in this case made the law, and he resolved to erect a hospital building. There were two very large frame structures at Yankton that were not occupied, that could be transformed into suitable accommodations. These buildings had been erected by the people of Yankton, to accommodate a rush of German Russian immigration a few years before. One belonged to the territory and the other to the city. These the governor proposed to take over, have them taken apart and transported to the school section, two miles north of town, and reconstruct from this material Dakota's first Insane Hospital. It was estimated that this could be done at comparatively small outlay, and Governor Howard proposed to defray this expense



from his private funds, trusting to the next Legislature, which would convene in January, 1879, to reimburse him. The plan provided for a frame structure—the main building to be in size on the ground 150x23 feet, with a wing 50x23 feet. The original plan was considerably modified as the work progressed. The immigrant buildings were commodious affairs, and had been constructed to comfortably accommodate fifty families with a view to their occupying them for weeks at a time, and until they could select claims or provide other accommodations.

Pursuing his plan, the governor caused the following advertisement for proposals to be given out:

Executive Office, Yankton, D. T., September 11, 1878.

Proposals will be received at this office up to 2 o'clock P. M., September 19, 1878, for the erection of a temporary asylum for the insane of Dakota. Plans and specifications may be seen at the counting rooms of J. R. Sanborn, in this city, until September 19, 1878.

W. A. HOWARD.

It will be understood that the Legislature had as yet taken no action toward locating any of the territorial institutions, except the capitol at Yankton; the university at Vermillion; and the penitentiary at Bon Homme. These institutions were located by the first Legislature in 1862, sixteen years prior to the time when this voluntary work was entered upon by the public spirited governor.

The site for the asylum as it was then called, was selected by Governor Howard on Tuesday, September 24, 1878. This was about one thousand feet south-east of the present main building of the hospital, and not far from the south line of the school section—which was section 30, township 04, range 50, and on the southwest quarter of the southeast quarter of said section. Proposals were also invited for the construction of two cisterns at the asylum, to hold 250 barrels each. The cisterns were to be walled and arched with hard brick laid in mortar, the whole to be thoroughly cemented; and to be completed to the satisfaction of the undersigned, W. A. Howard.

It is now in order to return to the proceedings of the Legislative Assembly of 1870, and particular attention is invited to that portion of the governor's annual message in which he discusses the care of the insane. As intimated in that paper, he made the Insane Asylum project the subject of a special message, which he transmitted to the Legislature on the 16th of January, 1870, as follows:

#### SPECIAL MESSAGE CONCERNING THE INSANE

To the Council and House of Representatives:

The necessity for immediate action for the care of the insane of the territory makes it my duty to bring the subject to your attention, and to ask that your action be as prompt as the due consideration of its importance and the interests of the people will permit. The cost of the necessary buildings when complete and ready for use, including grates, cooking utensils, heating, furniture, beds and bedding, should be carefully considered. The cost of running it economically and efficiently should have due consideration. A plan of organization that should have harmonious and humane results requires thoughtful care and patriotic devotion. In short, what is the best way to do it?

The amount expended to put the building in its present state of forwardness is \$2,286.85. This includes all that was necessary to be done before cold weather, such as plastering, cisterns, etc. For ceiling, grating, construction of cells, etc., it will probably cost as much more—perhaps \$2,500. Then for furniture, including beds and bedding, stoves, cooking and laundry articles, say \$1,200. After careful consultation with experts, whose experience gives value to their opinions, I think it will cost nearly six thousand dollars, including what has already been done, to get it in running, with capacity to accommodate forty patients. The cost of the care and keeping, provided the number does not exceed thirty, will be about five thousand dollars per year, or about one hundred and sixty-six dollars each, exclusive of clothing. But suppose it costs \$200 each, or \$6,000 for thirty, still the cost of the building would be saved in one year. For I know of no respectable private institution where they can be as well kept and cared for at a cost of less than \$400 each.

The question of organization is a very important one. The statutes of the newer states embody the results substantially of their experience. The general features of the Iowa plan are as good as any I have seen. I make the following suggestions: There should be four trustees or commissioners, two of whom should be chosen for two years, and two of them for four years. The four should constitute a board, and the governor



should be ex-official, a member. It would be well to locate one in each judicial district. Three should constitute a quorum. They should be men of high character—selected with great care, and should have ample powers, and be made responsible under the law for producing the best results.

Judge Bennett is well acquainted with the Iowa plan and has given much attention to the subject, and at my request he has drafted a bill for a plan of organization. This will be of service in considering the subject. To meet our responsibilities for the next two years, the expenditures will be large, and the appropriation should be ample, but be well guarded so as to secure economy, efficiency and fidelity. Should it be deemed best, it is probable the entire cost of construction and outfit could be divided into three annual payments of \$2,000 each, and paid out of what will have been saved. I ask your immediate action on the whole subject.

WM. A. HOWARD.

This message was delivered to each branch of the Legislature on the 16th of January, and on the same day Councilman Newton Edmunds introduced a bill to provide for the care and keeping of the insane, which was referred to the Committee on Finance and Expenditure. The bill provided for the establishment of a hospital for the insane, for the Territory of Dakota, and located it on section 36, township 94, range 56. The bill provided for the appointment by the governor, subject to confirmation by the council, of a board of four trustees, one from each judicial district, and one from Yankton County, the governor to be ex-officio president of the board. The trustees were to receive no remuneration for their services, but their actual expenses were to be paid. The board had control of the management of the affairs, and appointed its superintendent, steward and subordinates. The superintendent to be a skillful physician, and was made the chief executive officer of the hospital, and was authorized to employ all attendants, nurses and servants, who should be under his control. No salaries were stated in the bill, but were left to be fixed by the board.

An official visit was made by the law-making body the following day to the new hospital, on the invitation of the governor, and the members expressed themselves well satisfied with what had been done.

On the 27th Councilman Edmunds from the Committee on Finance and Expenditure, reported a substitute bill for the care and keeping of the insane; and on the same day a special message was received from the governor regarding the removal of the insane from the State Hospital of the State of Minnesota, which expired by its own limitation on the first day of February, 1879 (the next Saturday). The special message follows:

As it is apparently impossible to complete any effective arrangements in time to meet the emergency, I respectfully recommend that you authorize and direct that application be made to the authorities of the State of Minnesota, for an extension of the time for the removal of our insane until some arrangements can be perfected, say sixty days. It is believed that sixty days additional time will be all that will be required. It will probably involve the necessity of convening a meeting of the board of trustees of the Minnesota Hospital. Owing to the importance of the subject, I would suggest that a special messenger or agent be sent to St. Peter to make success more certain. Owing to his personal acquaintance with their officers and his official intercourse with them, I suggest that you secure the services of Hon. E. A. Sherman, territorial treasurer, for this purpose, if they can be had, and that you make an appropriation sufficient to pay his expenses and reasonable compensation for the services. As the law does not provide for an official report from the asylums of the states where our insane are kept, I have prepared the following data which I submit for your information:

The present number confined is 25, of whom 20 are at St. Peter, Minn., and 5 at Lincoln, Neb. They are from the following counties: Bon Homme County, 2 patients; Cass County, 2; Pembina, Richland, Burleigh, Minnehaha and Yankton, 1 each; Lincoln County, 2; Union County, 6; Lawrence, 8. Two from Lawrence County have, during the year, been cured and discharged, and one more is reported to be cured and ready to be discharged as soon as means can be provided for transportation from St. Peter to Deadwood.

WM. A. HOWARD.

A bill authorizing the employment of Mr. Sherman to negotiate with the Minnesota authorities for sixty days additional time in which to remove Dakota's insane patients, was forthwith passed by the Legislature, and on the third of February following Mr. Sherman's report was transmitted by the governor to the Legislature, as follows:

To His Excellency, Gov. Wm. A. Howard, Yankton, D. T.

Dear Sir: As the special agent of the territory, by act of the Legislature, 27th ult., to make temporary arrangements with the authorities of Minnesota for the temporary care and keeping of the insane in accordance with your special message to that effect, I have the honor of submitting the following report:

Your letter to Governor Pillsbury was by his excellency referred to the trustees of the asylum, a majority of whom reside at St. Peter. A visit to the institution at that place, inspection of its management, and conference with the officers, reveals the following facts: That our patients from Dakota, eighteen in number, are receiving the best of care and attention, and are on the same footing and enjoying the same privileges as patients from the State of Minnesota. That the authorities in so doing have put themselves to great inconvenience during the past few months, owing to the increased number of patients from their own state, and the lack of accommodations for them. That the people of this territory are under the deepest obligations to the authorities of Minnesota for the spirit of accommodation they have manifested in this matter, and for the patient manner in which they have borne with us in view of our extremity. The completion of a building at Rochester, Minn., and the recent removal of fifty patients from St. Peter to that place relieves, temporarily, their overcrowded condition. It is estimated that the capacity of both institutions at Rochester and St. Peter, by crowding them all that is consistent with the welfare of the patients, is 700. They now have in both places 674, including our own. The increase in the number of their patients, as shown by their records, is eight per month, so that it is a question of about ninety days when they will again be crowded for room, unless the Legislature of that state, now in session, make some provision for the erection of another building or addition, which is not considered likely they will do. The trustees express themselves as disposed to further favor us to the greatest extent possible, but in view of their own needs earnestly desire the removal of our insane at the earliest practicable moment.

In closing, I wish to add a word in appreciation of the courteous manner in which your agent was received, for the attention shown him, and for the hearty sympathy expressed for the welfare and prosperity of the bordering State of Dakota.

Respectfully,  
E. A. SHERMAN, Special Agent.

The governor adds to the information furnished by Mr. Sherman that his mission was successful so far as the local board at St. Peter had power to act. The time for removing Dakota's patients was extended until the 11th of March, when their full board will be together, and would probably grant the full sixty days asked for, which they did.

The bill establishing the Dakota Insane Hospital near Yankton had become a law; and the Legislature also passed appropriations for the institution as follows:

To complete, furnish and paint the hospital building.....	\$3,900
For the return of patients from Minnesota and Nebraska.....	1,000
For the maintenance of patients and their necessary clothing, and the maintenance of employees for two years.....	9,000
For the salary of superintendent and matron, for two years.....	1,500
For pay of seven other employees for two years.....	5,020
For incidental expenses, including fuel, lights, tools, pay and expense of trustees, books and stationery, for two years.....	2,460
For insurance of building for two years.....	90

A county board of insanity was provided for to consist of the judge of probate and two others to be appointed by the Board of County Commissioners, one a practicing physician, and the other a respectable practicing attorney.

As before stated, Governor Howard had expended from his private funds quite a large sum constructing the new hospital prior to the convening of the Legislature, which, as will be seen from his message, he claimed to have done under the law of necessity, and stated in substance that the Legislature could use its own pleasure in the matter of re-imbursement. The Legislature accepted and ratified what the governor had done, and enacted a special law to reimburse him for moneys expended as follows:

There is hereby appropriated the sum of \$2,387.30, to be paid to William A. Howard, governor of this territory, for money advanced by him in the erection of the hospital for the insane, of this territory. The territorial auditor is hereby directed to issue to Governor Howard three territorial warrants in payment of the sum appropriated in the first section of this act: one for the sum of \$1,337.10, payable in one year; and one for the sum of \$1,000,

payable in two years—both payable two years from the first day of February, 1879, both bearing interest at the rate of 10 per cent per annum, which interest shall be paid annually; and one for the sum of \$49.20 in payment and in liquidation of the interest from the date of the advances made by the governor to the first day of February, 1879, from which last date interest shall be calculated on the warrants herein provided for to be issued in settlement of his claim. Approved February 10, 1879.

A description of Dakota's first insane hospital as viewed by the members of the Legislature of 1879, may be of interest and is added:

It was a large frame, one-story structure fronting the south, with wings extending east and west on the north end of the main building, the wings being equal in height to the main part. Entering by the main door, to the right led into the office of the superintendent, in which there was a cabinet of medical supplies, and also a steward's desk. Opposite this office was the ladies' reception room, and the next two rooms on the left were the private apartments of the superintendent and his family; two rooms directly opposite were for the steward and his wife who was to be the matron of the institution. The next room on the right was the officer's dining room, and opposite on the left a spare room. Adjoining this was a large wardrobe extending nearly across the hall, which, by the way extended from the entrance to this wardrobe. The north end was partitioned off affording a roomy kitchen, pantry, store-room and laundry. The two wings on the north end were for the patients—the east wing for the females, and the west wing for the males, with a hall through the center of each wing, on each side of the hall being the sleeping apartments. Each side of the kitchen and adjoining it were dining rooms for the patients, one for each sex. There were two large cisterns holding 250 barrels each; one good well 90 feet deep; also a root cellar, 16x31. Two tanks, holding twenty and thirty-five barrels respectively, were placed above the kitchen and were to be supplied from the cistern by force pumps. Rubber hose was to be kept ready for use in case of fire, which was the enemy most dreaded. There was a bath room in each wing or ward, and pipes from the bath room or laundry would connect with the main sewer which would be constructed of vitrified tile, and would be about a quarter of a mile in length, emptying into a ravine to the southwest.

An inventory of the live stock revealed two horses, three cows, ten pigs and a lot of poultry.

#### INSANE HOSPITAL ORGANIZED

The insane hospital bill became a law on the 22d of February, 1879, and on the 23d following, Governor Howard appointed Rev. Joseph Ward, Josiah R. Sanborn, of Yankton County, and Alexander Hughes, of Union County, the first board of trustees. Joseph Ward was elected president of the board, and Alexander Hughes, secretary. On the 13th of March, the board advertised for supplies for furnishing the hospital. The bids were opened on the 15th. The dry goods and bedding contract was let to R. A. Ketchum; groceries to Blatt & Buerdorf; meat to John Curry; crockery to T. F. Marshall & Company; wood to Sylvester & Barber, all of Yankton. No proposals were received from outside bidders.

The hospital building was completed, inspected, and accepted by the board of trustees on Monday, March 24, 1879. Ed Calhoun, a Yankton builder, had charge of the work, and did a portion of it under contract.

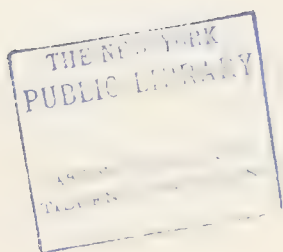
About the 31st of March, Dr. J. K. Rainey, of Illinois, was appointed superintendent of the hospital. Prior to this appointment the position had been tendered to Doctor Stewart, the superintendent of the Nebraska State Hospital, who declined it. J. H. Burdick, of Yankton, was appointed steward.

Doctor Rainey, with two assistants, Steward Burdick being one, left Yankton for St. Peters, Minn., on the 6th of April, for the purpose of transferring the territory's insane patients from the Minnesota to the Dakota Hospital. Rev. Joseph Ward and Mr. Sanborn went to Lincoln, Neb., on the 7th, for a similar



NORTHERN INSANE HOSPITAL, JAMESTOWN, STUTSMAN COUNTY, DAKOTA  
TERRITORY, 1887





purpose. All this was accomplished without difficulty, the Nebraska contingent reaching their new quarters on Friday, April 11th. The names of the patients from Lincoln were Bernard, Hatch, Rickard and Olsen—the first three from Deadwood; the last from Cass County. Bernard, who was sent to Yankton, under a misapprehension in December previous, had become very violent, and seemed to have developed a suicidal mania. Doctor Rainey and Steward Burdick reached the new hospital Saturday evening, the 12th of April, with seventeen patients from St. Peter's, who came through by special car.

The first patient to be admitted after the establishment of the hospital, was F. A. Keeler, of Minnehaha County, April 25, 1879.

Doctor Rainey resigned the superintendency in less than a month after being appointed, and returned to Illinois. The resignation came unexpected, and whether it was the voluntary act of the official or was induced by a suggestion from the board, was not known to the public. The board then tendered the position to Dr. S. B. McGlumphy, assistant superintendent of the Nebraska Insane Hospital, who accepted, and entered upon his duties Tuesday, April 29, 1879. Another Sioux Falls patient, Mads Christiansen, was admitted to the hospital, May 12th.

#### FIRST PATIENTS

It may be stated that the first patients sent from any county to the Territorial Insane Hospital, came from Lawrence County, and reached Yankton, December 19, 1878. The action of the Lawrence County authorities was premature, as the Dakota Hospital was not in condition to receive patients, and in fact had not yet been recognized by the legislative body, which did not convene until about three weeks later. The action of the court at Deadwood had been taken without authority, based upon a rumor that the institution was receiving patients. The contracts with Minnesota and Nebraska were still in force and would not expire until February 1, 1879.

The commitment papers for these two unfortunates were made for the Dakota Institution and they were sent to Yankton. As the expense of returning them to Deadwood, and then returning them to Lincoln would have been considerable, the Yankton County authorities were prevailed upon to adopt the lunatics, and give them another legal examination. This done, they were both pronounced insane, and committed to the hospital at Lincoln; Lawrence County being held for all the expense. Their sojourn in Yankton continued until December 23d. These crazy men were William Bernard and John Hatch; both were in an almost hopeless mental condition. They were in charge of Constable Beeman, of Deadwood. Bernard's mania developed while in the Black Hills, and induced him to obtain money or other valuables under false pretenses, then dispose of the other valuables and pocket the proceeds. Evidently a serious case, possibly contracted by exposure to contagion. Bernard had proved quite unruly on the way from Deadwood to Yankton, by way of Cheyenne, Omaha, and Council Bluffs. It became necessary to handcuff him at the latter place. Mr. Hatch had been considered a man of unsound mind for a long time. His mania had developed into an uncontrollable desire to witness conflagrations on a large scale, and to gratify this irresistible propensity he had set fire to his own house. When the officers went to arrest him afterwards, he made a determined resistance, erected a barricade, and having a loaded gun, opened fire on the sheriff and his guard. The officers returned the fire, wounded the maniac in the hip, when he laid down his arms and surrendered. He was duly pronounced insane, and offered no resistance on the way out. At that season of the year the usually travelled and most comfortable route from the hills was by stage to Cheyenne, Wyo., thence by the Union Pacific Railway to Council Bluffs, from which point the railway extended to Yankton. Mileage was a great item of expense in transporting insane and convicts at that time. A single trip from the hills with one or two patients or convicts would amount to about four hundred dollars. From

Bismarck to the territorial prison at Detroit cost nearly as much, and from Pembina to Yankton about the same.

The Legislature had appropriated \$3,900.00 to complete the building, but it proved insufficient by \$700.00. Of the \$1,000.00 appropriated to remove the patients from St. Peter and Lincoln, only \$340 was found necessary. Of the \$2,400.00 set apart for fuel, lights, trustees expenses, books, stationery, etc., for two years, \$2,200.00 were expended the first six months. On a basis of forty persons to provide for, the appropriation for the two years allowed \$1.00 per week to each, which included subsistence and clothing of patients and subsistence of the officers and employees. There were five employees, including attendants, at first, and twenty-four patients. During the first six months after the hospital was opened, thirty-one patients were cared for; one died of consumption; one was discharged unimproved, and five were discharged fully recovered. While the most rigid economy was observed it was found impossible to maintain the institution on the basis of \$1.00 per week per patient, and it became necessary to exceed this estimate, so that in the aggregate a deficit was created for the first two years of the hospital's career.

The reader is to understand that making provision for the support of an insane hospital was a new experience for the members of the Legislature, and a new experience for the trustees, a majority of the members having a large farming constituency, who watched the expenditure of the public moneys closely, and held their members of the Legislative Assembly responsible for any apparent as well as real extravagance in appropriations. The people generally, though equal to the average of any state or territory in intelligence and public spirit, knew comparatively little about the treatment of the insane; they did not appear to realize that they needed much more than food and clothing, and the membership of the Legislature at that time, and for many years following, apparently shared this erroneous opinion, and were almost equally uninformed regarding the importance of the treatment of insane people with the view of restoring them to their normal healthful mental and physical condition. The legislatures were therefore inclined to dispute the recommendations of the authorities in charge of the Insane Hospital and other public institutions, and as a rule were disposed to refuse many of the improvements asked for, and would also, arbitrarily, without reliable information, materially reduce the allowances recommended for the care, treatment and support of the patients.

Thus would the usefulness of the institution be crippled, and the administration unjustly blamed. The officers were placed in a position similar to Pharaoh and the Hebrews, when the latter were no longer furnished with straw for brick making; but were told to go and gather straw, and at the same time were compelled to furnish the full tale of brick which had been required when their master furnished the straw.

Owing to this uninformed condition of the public, Dakota's early insane patients were placed at a disadvantage, and their recovery retarded. Governor Howard's comments on this subject, made in his message of 1879, were most timely. He points out the importance of skillful and early treatment of the malady in order to insure a cure.

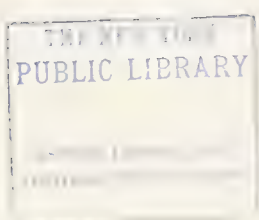
#### HAMLIN COUNTY'S REPRESENTATIVE

Shortly after the session opened, Mr. G. D. Wicklin, of Hamlin County, presented credentials claiming a seat in the House as the representative of the counties of Hamlin, Deuel, Codington and Grant, four counties that were not organized when the apportionment of 1877 was made. They had since become reasonably well populated, and the estimate was made that they were then inhabited by at least one thousand homesteaders, or a population of four or five thousand, which fact indicates the rapid influx of immigrants during these years following the opening of the Black Hills. Mr. Wicklin's credentials were given by authority



NORTHWESTERN RAILROAD BRIDGE AT PIERRE





of the counties named. They did not demand that their representative be admitted on an equal footing with the regularly apportioned members, but that he be given the privileges of the floor and permitted to promote the legislative interests of the Upper Big Sioux Valley and Big Stone region by recommending certain measures through the committees. The House favored the request of Mr. Wicklin's numerous constituents and he was provided with a desk and a legislative chair. He made an excellent record as a representative, according to the testimony of the House members; and a law was enacted permitting the counties Mr. Wicklin represented to levy a tax to pay him for his services, there being no funds available for such purpose in the federal fund appropriated for the pay of members.

The Legislature took occasion to pass a memorial to Congress recommending against the bill introduced by Judge Kidder which provided for the admission of Dakota as one state, and Delegate Bennett, who succeeded the judge on the 4th of March, as delegate, took the first opportunity to introduce a bill providing for a division of the territory on the forty-sixth parallel, and the admission of the southern half into the Union.

#### A NEW RAILWAY INCORPORATION LAW—GROSS EARNINGS TAXED

A representative of the railroad interests was present as a lobbyist at this session, and held audiences with the legislators, imparting to them the view of the railway builders and operators regarding railway legislation. The Northwestern and the Milwaukee were pushing their lines into and across the territory at this time. The railway representative was Mr. Charles E. Simmonds, of the Chicago & Northwestern. He did not ask for any legislation specially in the interest of his company, but wanted a liberal law that would encourage the development of the territory through railway extension, and at this time it was quite well settled that the railway companies named and the Southern Minnesota and Northern Pacific would all be actively engaged in construction work in the territory before the close of the year, the Northern Pacific extension being north from Fargo to Grand Forks and on to the international boundary. The laws of the territory governing such corporations were therefore of the first importance. The existing law was a part of the general incorporation law, and was regarded as antiquated. Representative Ainsley Gray, of Bismarck, appears to have been the leader in the movement for a new law. He introduced a bill early in the session to provide for the organization of railroad corporations and to regulate their operation, and to provide for the taxation of their property. Its provisions were quite liberal from the viewpoint of railroad people, and credit for drafting the measure was ascribed to the general attorney of the Chicago & Northwestern corporation. The taxation feature of the bill required operating railroad companies, for the first five years after beginning operations in the territory, to pay into the territorial treasury annually 2 per cent of its gross earnings, and 3 per cent of its gross earnings every year thereafter. This tax was in lieu of all other taxation on the property of the corporation. The bill was amended in some particulars and became a law February 18, 1879. It formed control for many years thereafter, and many efforts were made to change the taxation feature, which was quite objectionable to a growing anti monopolistic sentiment in territorial politics. But the gross earnings plan held on through the territorial era. There was unexampled activity in railroad building following its adoption. From that day forward the "railroad question" became a dominant factor in the politics of the territory. It had appeared before to a slight extent in the Society of the Parents of Husbandry and in local organizations of the farmers, but had not been a dominating factor in politics. Loyalty to the people's interests was thenceforth, to a great extent, measured by one's position on the "railroad question."

#### REPEALING EXEMPTION LAW

An unsuccessful effort was made to modify the Territorial Exemption Law, and a bill introduced for that purpose. The friends of the measure in the law-

making body felt that the bill would be willingly supported by a majority of each House. There was, however, a strong pressure from without, hostile to any interference with the law as it stood, which reached the Legislature in the form of petitions and the proceedings of public meetings. The voice of the people, so far as it came to the legislative ears, was potent and was heeded. The popular argument insisted that a liberal exemption law was a strong inducement in securing immigration. In support of modification it was urged that the law was so liberal that it injured the credit of the business men in the markets of the country, where they purchase their supplies, and that wholesalers taxed them a higher per cent to cover the exemption risks. And furthermore that it made the collection of all debts, through the legal channels, unless the debts were secured by mortgage, so difficult and costly that it was cheaper to lose the debt than to sue for its recovery.

At this session a law was enacted providing for the care and education and maintenance of the deaf and dumb, and also the blind, at the expense of the territory, and the governor was authorized to contract with the states, either of Iowa, Minnesota or Nebraska, where public institutions for the education and care of this class of unfortunates had been established, for the keeping of those of Dakota. It was, however, provided in the law, that where the parents or guardians of such deaf or blind persons were able to do so, they should be required to pay the expense incurred. The county commissioners had jurisdiction to investigate all applications, and to authorize the removal of applicants to the institution selected by the state authorities.

At this session, under the guise of a bill entitled: "An act to amend chapter one of the political code," Representative Ansley Gray, of Bismarck, Burleigh County, sought to remove the capital of the territory to Bismarck. The time and the occasion was not ripe for such a move, and the bill expired in the first stages of legislation. It was renewed, with better success, four years later.

#### FOURTH JUDICIAL DISTRICT

Congress in 1879, passed an act providing for an additional associate justice of the Supreme Court of Dakota Territory, and Jefferson P. Kidder, whose term as delegate in Congress from Dakota, expired with that session, was appointed justice of the new district. The law provided:

Until changed by the Legislative Assembly of said territory, the Fourth District of said territory shall consist of the following counties, to-wit: Clay, Union, Lincoln, Minnehaha, Moody, Brookings, Deuel, Grant, Codington, Lake, Wood, Hamlin, Clark, Greeley, Stone, Turner and McCook, and the Sisseton Wahpeton Indian Reservation; and the second district shall consist of the remainder of the territory which now constitutes said Second District as defined by the statutes of said territory.

The District Court of said Fourth District shall have no jurisdiction to try, hear or determine any matter or cause wherein the United States is a party, and no United States grand or petit jury shall be summoned in such court; but the said fourth district is hereby attached to and made a part of the Second Judicial District, for the purpose of hearing and determining all matters and causes arising within said Fourth District in which the United States is a party.

No justice of said territory shall sit in the Supreme Court upon the hearing, or take any part in the decision or determination of any cause or matter tried or determined by or before him as presiding judge of the District Court.

The names of the counties of Wood, Greeley and Stone, used in the act of Congress, had been dropped from the map by the Legislature of 1879, and others less deserving of the honor substituted.

Stone County was named in memory of a Dakota pioneer of 1858, an early James River ferryman, later a member of the Legislature, four years agent of the Yankton Santee Indians, and one of the first of the Dakota pioneers to plant and successfully cultivate a large acreage of forest trees on the treeless plains of the territory, thereby demonstrating that timber would thrive on the Dakota

practices. His practical work in many directions was known and recognized by all early Dakotans. He had an important influence in bringing into the territory its first railroad. Mr. Wood was a pioneer of the Vermillion Valley in 1860. A member of the first Legislature in 1862, and a most excellent citizen, he may be asked to divide honors with Lieut. John R. Wood, of Union County, also a pioneer of 1860, and first lieutenant of Company B, Dakota Cavalry, as a brave dependable soldier and officer. He was with General Sully in his famous expedition across the Bad Lands to the Yellowstone in 1864. The name of Greeley had earned national fame when Dakota was made a territory. He was a great journalist and a great political leader. Another most excellent man and citizen was Mr. Greeley, of Deuel County, well known as a live stock grower and popular as an agricultural writer. It was doubtless the Dakotan that the Legislature intended to honor, but paraphrasing Goldsmith, a breath of favor had placed them there, and a later breath of favor to others swept their names from the map. The Territorial Legislature of 1881 re-enacted or re-affirmed this law of Congress; but owing to a change of the names of several of the counties, which had a place on the map of Dakota, but were not organized at the time of the congressional enactment, the territorial law defined the fourth district, as follows, to-wit:

That, the counties of Union, Clay, Lincoln, Turner, Minnehaha, McCook, Moody, Lake, Brookings, Kingsbury, Deuel, Hamlin, Clark, Grant, Codington and Day shall constitute the Fourth Judicial District, created by act of Congress, March 3, 1879.

The Black Hills counties, Lawrence, Pennington and Custer, constituted the First District. The Second District included Yankton, Bon Homme, Charles Mix, Douglas, Hutchinson, Davidson, Hanson, Miner, Aurora, Brule, Buffalo, Hughes, Hyde, Sully, Potter, Walworth, Campbell and Beadle counties. The Third District embraced the counties of north of the 40th parallel, namely: Pembina, Cavalier, Rollette, Grand Forks, Ramsey, DeSmet, Walsh, Traill, Cass, Richland, Ransom, Barnes, Griggs, Stutsman, LaMoure, Foster, Gingras, Kidder, Logan, Burleigh, Emmons, Stevens, Morton, Mercer, Stark and Billings.

The Great Sioux Indian Reservation occupied the country south of the Cannon Ball River, west of the Missouri, and east of the Black Hills, and was attached to the second district.

#### DAKOTA PENITENTIARY PROPOSED

The penitentiary had been located in 1862, at Bon Homme, but nothing had been done toward its construction by the territory, and Congress had consented to aid it by appropriating the proceeds of the Internal Revenue tax in the territory, after the expense of collecting it had been subtracted, during the years 1867, 1868, and 1869.

The excess of revenue for these years amounted to nothing, and that plan was not revived; though it was deemed quite certain that Congress would, in accordance with its policy shown toward other territories, give substantial aid toward the construction of the prison for the reason that the Government could make economical use of it in confining United States prisoners sentenced from the United States courts in Dakota and Montana also.

The law making an appropriation for the maintenance of an insane hospital, also provided an appropriation of \$10,000.00 for the erection of a penitentiary, and also salaries for warden and officers, and furnishing and subsistence; but it did not change the location from Bon Homme County, and made no provision for the government of the prison. These matters had been provided in separate bills. These separate bills, however, while they passed both Houses, did not become laws because of the neglect or refusal of the governor to approve them. They failed to reach him until the final day of the session. The organic law made it the duty of the governor to sign all bills within three days after their presentation to him, or return them within that time to the House in which they



originated, accompanied by his objections in writing, unless the Legislature should, by adjournment, prevent their return, in which case they would not become laws. The final adjournment took place within the three days allowed the governor for consideration, the bills were not approved, and the penitentiary remained at Bon Homme, with an appropriation for its erection and maintenance, but no law prescribing or providing for its management or re-location. Councilman Pettigrew, who had been at much pains in preparing and securing the passage of these bills, was grievously disappointed at this unfortunate turn in his affairs; while the members from Bon Homme County were correspondingly elated.

The change in the location of the penitentiary was strenuously opposed by Councilman M. H. Day, and Rep. J. H. Stephens, of Bon Homme County.

There was little evidence of serious disappointment among the members of the Legislature generally, or with the people. The location of the institution at Sioux Falls was looked upon with favor because of its abundant supply of building material; but as conditions had existed in the territory, including immigration up to about this date, the building of a penitentiary did not appeal to the members of the Legislature as the best economy, and this opinion was shared generally among the people. The convicts could be transported and cared for at Detroit or other state prisons at no greater expense than would be incurred by providing and equipping a prison and caring for them at home, and there was good reason to expect that Congress would make an appropriation for prison purposes as it had done for other territories.

The case with the Insane Hospital was entirely different. There was no alternative but to erect and maintain this institution. Had this been neglected, our insane would have been returned to the counties where they belonged prior to becoming a charge upon the territory, and the counties would have confined them in jails or in county asylums at a cost manifold greater than would be required in a territorial institution.

The penitentiary bills had been made companions of the Insane Hospital bills during their progress through the Legislature, and, by this means, at least partially, had gained sufficient support to pass both Houses, though their final passage so late in the session, would seem to have been determined upon by other shrewd law-makers for the purpose of defeating them in the manner stated.

Events, however, were shaping and came to full fruition during the ensuing year, which would have justified the building of the penitentiary in 1879. No one could have foreseen the overwhelming wave of immigration that flowed into the territory during the summer following the extension of two important lines of railroad that crossed our eastern border from Minnesota and Iowa early in the summer of that year, and carried their construction into and across the James River; the immigrants not only followed the railroads, but marched in the van into the unsettled regions, overstepping the surveyed domain and squatting on those the surveyor had not been able to reach. These lines were C. M. & St. Paul and the Northwestern.

The same activity in railroad building was going on in the northern portion of the territory in the Red River Valley and new lines were constructed from the Red River westward opening up the Cheyenne Valley.

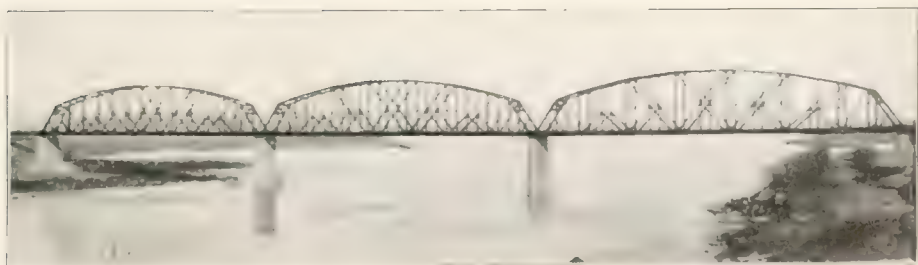
#### RAILROADS

The name of J. J. Hill appears in connection with the extension of railroads through Dakota, particularly in the northern half of the territory. A statement appeared in the Republican at Fargo, virtually contradicting a rumor that the Chicago, Milwaukee & St. Paul was about securing control of the St. Paul & Pacific Railroad, and explained:

The St. Paul & Pacific is a great corporation, with 574 miles of its own lines completed, and the Red River & Manitoba leased (from St. Vincent, opposite Pembina, to Winnipeg), with its Alexandria branch extended through Fergus Falls to Barnesville, giving



AGRICULTURAL COLLEGE, BROOKINGS, DAKOTA TERRI  
TORY, 1885



NORTHERN PACIFIC RAILROAD BRIDGE AT BISMARCK 1888



it two great lines from St. Paul and Minneapolis to the Red River Valley, and the only road north from the states to British America. Mr. James J. Hill, one of the active capitalists connected with this road, has long been in the transportation business, and now has a chance to engineer an extensive line of paying railroad himself, and he won't want to give it up.

About August 1, 1870, the St. Paul & Pacific Railroad (Jas. J. Hill's new enterprise), filed its articles of incorporation to build a road from Wahpeton to a point on the Northern Pacific near Casselton.

#### THE NORTHERN PACIFIC

Track laying on the extension of the Northern Pacific Railway west of Bismarck, after a long rest of five and a half years, was resumed in February, 1870, west of the Missouri nearly opposite its terminal at a point called Mandan, though the new City of Mandan, which had taken the place of the pioneer town was located about three and a half miles west of the Missouri, bordering the Little Heart River. It was to this point the railroad was extended early in 1870.

In 1870, the Northern Pacific located its line from the Little Missouri in Billings County, to the Yellowstone River, a distance of sixty-five miles. Work was being pushed eastward at that time on the Pen d'O'Raille division, from the Pacific end.

In 1878, Chief Engineer Rosser surveyed a line for a branch of the Northern Pacific from Fargo, to the international boundary, striking the boundary line about seventeen miles west of Pembina.

The company began building its Casselton branch, twenty miles west of Fargo, in July, 1870. This line was extended to Larimore in Grand Forks County and from that point to the eastern border of Cavalier County. At the same time the St. Paul and Pacific were building their line from Wahpeton in Richland County, to Casselton, which later became a link of the Great Northern. This line was expected to tap the Saskatchewan wheat country, a distance from Casselton of 140 miles, and about one hundred miles west of Pembina.

The Worthington and Sioux Falls Railroad Company filed articles of incorporation in the office of the secretary of the territory, in July, 1870; the said articles stating that it was the purpose of the company to construct a railroad from Sioux Falls to the Missouri River, through the counties of Minnehaha, McCook, Hanson, Davison, Cragin (Aurora), and Buffalo. It was then the announced purpose of the company to build through to the Black Hills. The road was constructed to Mitchell in Davison County, and there rested. R. F. Pettigrew, of Sioux Falls, was a director of the company; the other directors were Minnesotans.

The Village of Dell Rapids, Minnehaha County, voted aid to the Southern Minnesota Railway Company, in 1880, amounting to \$12,500.00 in village bonds, bearing 7 per cent interest and having twenty years to run. The election appears to have been held without lawful authority, and at the legislative session of 1881, the election and issue of bonds was legalized, and further authority given to the village to issue bonds due in ten years, bearing 7 per cent, amounting to \$2,500.00 to defray the expense incurred by said village, in procuring the right of way for said railroad.

#### THE NORTHWESTERN

The Dakota Central Railroad Company, whose articles of incorporation were filed with the secretary of the territory, May 16, 1870, propose to construct a railroad from the east line of Brookings County, west, through Brookings, Kingsbury, Beadle, Hand, Hughes counties, to the Missouri River at the mouth of Medicine Knoll Creek. This was the Chicago and Northwestern extension or branch, starting from Tracy, Minnesota.



## IMMIGRATION AND CROPS

Eighteen hundred and seventy-nine was equal in all respects to the best of Dakota's years—particularly in respect to immigration, railroad construction, and farm produce, notwithstanding the drawback of a grasshopper raid which injured the small grain, including corn, in the southeastern portion of the territory, along the lower valleys of the Big Sioux, Vermillion and James rivers. As the federal census would be taken the following year, the unprecedented volume of immigration attracted much attention.

Governor Howard, who did considerable traveling throughout the territory, that year, making notes of improvements generally and immigration, estimated the increase in population at 50,000 and much the larger portion came in the spring and early summer. It was certainly "a banner year," for all Dakota.

The wheat crop in the northern part of Dakota was almost perfection. In a general way it was the most prosperous year the territory had enjoyed.

William VanEps, a Sioux Falls pioneer who had become interested in towns springing up in the James River Valley, and spent much time in that section, informed the Sioux Falls newspaper, the *Pantagraph*, that in all his experience in new countries, he had never seen anything in the way of rapid settlement like the immigration to the James River Valley in 1879. In one week one solid township of thirty-six sections, except the school lands, comprising 136 claims was all taken up in three days time, and this was but a single point in a scope of country ten times larger that had the appearance of being as rapidly settled.

## LAND DISTRICTS

The land districts in the southern half of the territory, the boundaries of which were changed by the Land Department of the United States in April, 1879, embraced the counties as hereinafter named.

Sioux Falls District—Minnehaha, Moody, Brookings, Wood, Lake, McCook, Hanson, Davison, Bramble, Miner, Kingsbury, Cragin, Wetmore, and Burchard counties, and two townships in width from the eastern sides of Brule, Buffalo and Hyde counties.

Yankton District—Union, Clay, Lincoln, Turner, Yankton, Bon Homme, Hutchinson, Armstrong, Charles Mix and Douglas.

Watertown District—Deuel, Grant, Hamlin, Codington, Clark, Greeley, Stone, Spink, Thompson, Mills and Beadle counties, and two townships wide off the east side of Hand, Faulk, Edmunds, and McPherson counties, and the Sisseton Indian Reservation.

The other land districts at Fargo, Bismarck and Deadwood, remained unchanged. Many of the counties named in these districts were subsequently, by legislative enactment, given new names and their boundaries newly defined. Many of them had no settlers and were not organized. All the central portion of the territory, from the 44th parallel, to within a few miles of the Northern Pacific, was yet unoccupied.

In the fall of 1879, it was officially claimed that the United States Land Office at Fargo, was doing the largest business of any office in the United States.

There were five steamboats and barges at the Grand Forks shipyards during the winter of 1878-79.

## HURON LOCATED OTHER NOTABLE PROGRESS

Huron, a new townsite was located by the Dakota Central Railway Company, on the James River, between townships 110 and 111, in August, 1879. The railway at that time was advancing west through Brookings and Kingsbury counties. Scotland was founded in 1879, and the Running Water branch of the Milwaukee was graded from Marion Junction.

A new and superior quartz mill was put in operation on the Homestake properties, at Lead City, in August. It was provided with 120 stamps, and the power for operating it was provided by a 300-horsepower engine. The capacity of the mill was said to be 525 tons of quartz a day. It was claimed to be the best machine of its kind, and the largest, or of greater capacity, than any quartz mill then in operation in this country.

General Terry, commanding the Department of Dakota, made a brief mention of the military situation in the territory in his annual report, substantially as follows:

The hostile Indians occasioned no serious trouble in 1879. The most quarrelsome element were with Sitting Bull in British Columbia, with headquarters at Wood Mountain. The most important military event in the Department of Dakota had been the movement of Colonel Miles across the Yellowstone from Fort Keogh and on to the British boundaries, for the purpose of watching the movements of Sitting Bull (see chapters regarding Custer and Sitting Bull), and receiving the surrender of any bands of the turbulent element that desired to be restored to the hospitality of the Great Father. A large number of these came in and sued for peace about that time.

Work was vigorously prosecuted on the Missouri Division of the Northern Pacific Railroad. This division began at the Missouri River, opposite Bismarck, and extended 100 miles towards the Little Missouri River. Eighty miles of roadbed had been completely graded, and track laid for fifty miles. Four companies of infantry, for the protection of working parties, were employed along the line under construction.

Fort Meade, at the base of the Black Hills, was under construction in 1879, and the necessary garrison buildings were completed.

General Terry recommended an appropriation of \$200,000 for two additional posts between Fort Buford and Fort Assinaboine. This would complete the chain of posts from the Red River to the Rocky Mountains, beginning with Fort Pembina on the Red, thence to Fort Totten, Buford, the two new posts recommended thence to Assinaboine. There was an interval of 250 miles between Buford and Assinaboine, and between these two was the great route of communication pursued by the hostile Indians coming from the camps in Canada to the Missouri and Yellowstone.

#### GREAT FIRE IN DEADWOOD

The most destructive fire that had ever occurred in the Territory of Dakota, or possibly in any portion of the country west of the territory, destroyed the greater and all the most valuable part of the new City of Deadwood, the commercial capital of the Black Hills mining region, on the morning of September 20, 1879. The fire started at twenty minutes past 2 o'clock in the morning, in the Star Bakery on Sherman Street, one of the principal business thoroughfares. The building was situated in the midst of a block of combustible buildings, constructed of highly inflammable material. The same place had on several occasions been the cause of great alarm from the fact that a fire had broken out on three previous occasions during the year in the same back room. This time the blaze was started by a baker upsetting a coal oil lamp. All efforts to extinguish the flames were unavailing. They pierced every portion of the structure, and soon ignited the buildings on each side. The flames spread, with wonderful rapidity. This starting point was just south of the confluence of the Deadwood and White wood creeks, with the wind blowing strongly from the south. When the fire reached the hardware store of Jensen & Bliss, three doors from its starting point, which it did in an incredible short space of time, eight kegs of blasting powder exploded with terrific force, that seemed to shake the mountains. This blast threw sparks for a great distance on every side, starting the burning of a number of other buildings. The fire departments were promptly on the spot, but the flames had attacked the structure in which their apparatus was kept and

soon destroyed their hook and ladder material and their hose and hose carriage. This situation left the city helpless to fight the destroyer, fanned as it was by a strong breeze. Scores of people, including families, who were tenants in the upper stories of the business houses, barely escaped with their lives in their night clothes. In a brief time the fire had crossed Lee Street, which runs east and west, and was well on its way to Main Street, where many of the leading business houses and public buildings stood. The people were apparently half crazed, and hundreds, perhaps thousands, went up the hills on the north of the gulch carrying with them all the personal effects they had been able to snatch from the flames, women half-clad and with children in their arms clinging to them, and men fairly staggering under the burden of bedding and such articles as they were able to get, perched upon their shoulders. The fire passed down Main Street to Gold and Wall streets, and back on the hills three squares, leveling everything. In the other direction it extended up Sherman Street two blocks, where it was checked by blowing up a number of small buildings, saving some residences of excellent design and finish in Ingleside and Cleveland.

The area covered by the terrible scourge was about twenty-five acres, consuming a total of about one hundred and fifty business houses and seventy-five residences, and entailing a loss at first estimated at \$3,000,000. The insurance carried upon this property was also placed at \$100,000 by the early compiler. The granaries in the city were filled with thousands of bushels of wheat and oats, the harvest having been unusually abundant surrounding the hills and the merchants had received a good share of their fall and winter stocks, which were much more heavy than would have been the case with merchants located in the ordinary market towns east. A number of the merchants had built fireproof structures in connection with their business houses in which they had stored large quantities of their wares. None of these buildings were destroyed, and to this prudential forethought the people were enabled to procure, directly after the disaster, nearly everything needed to establish them in a comfortable way to begin again the accumulating of the fortunes the holocaust had taken from them in an early morning that would never be forgotten.

All the newspaper offices, hotels, Masonic, Odd Fellows, and Knights of Pythias halls were destroyed. After the fire broke out the telegraph office was placed in a store belonging to B. D. Kelly, outside the fire limits, and escaped without injury. The Government Signal Office and the United States Military Telegraph Station lost nearly all their meteorological instruments. The daily newspapers, the Pioneer and also the Times, lost practically everything and were obliged to purchase new plants.

The burned business buildings had been nearly all of light frames, and the fire had left little in the way of debris to clear away, which afforded the enterprising dealers and traders to rake away the ashes in scores of places where the buildings had stood, and before another evening the principal streets were lined with tents and rough board structures in which merchants were selling goods, restaurants were feeding the hungry, and Deadwood had, like the fabled Phoenix, risen from its ashes.

Because of the immense amount of valuable property that had been hastily piled up in various exposed places, and to protect it from vandalism, a message was sent to General Sturgis, the commandant at Fort Meade, requesting the loan of a company of troops to guard the place. This request was complied with under an emergency order from the gallant commander, who sent the afflicted city in addition to an efficient guard, ten wagons and two ambulances to transport the destitute people to Fort Meade, where they were furnished with camps and rations.

The light insurance carried was due to the heavy charge of the companies for fire indemnity which was justified by the combustible character of the buildings, and the lack of fire protection. The new waterworks built for the city had just been completed and were tested for the first time the day before the fire. The



destruction of the hook and ladder apparatus and the hose by the fire before they could be reached, prevented any test of the new water system in fighting a conflagration, but in this case the ordinary fire protection system of a community of 10,000 people would have been at a disadvantage. It would have required the facilities of a large city to have successfully resisted the rapid march and fierce heat of that pandemonium of flame.

Offers of assistance poured in from eastern merchants with whom the Black Hills dealers had traded, and many incidents of this character greatly encouraged the unfortunate people. They were testimonials to their probity, and the sound and substantial reputation they enjoyed in business circles.

The Deadwood Times managed to issue a number of its papers on the 28th of September, three days after the fire, and gave a nearly complete list of the names of the losers by the fire, and the amounts lost by each, prefacing the list with the following excellent and inspiring comments on the situation, all of which is here produced, as showing the undaunted enterprise and confidence of the founders of our Black Hills industries, and their substantial worthiness as citizens of a commonwealth, which at that time was attracting attention throughout the country.

The old saying that "it is an ill wind that blows nobody good" can with reason be applied with much force in our case. Probably in the history of the country there has been no such destruction of property, comprising so many business houses and the dwellings of so many families, throwing so many people out of business and employment and families out of a habitation, where there is so little destitution and suffering as there has been or will be to our people from this fire. Of course many have lost their all, their last dollar, and with nothing but the clothing they had on their persons saw the accumulations of years wiped out and vanish in smoke, and they found themselves, on Friday morning, without a mouthful to eat, nor shelter to protect them from the elements. Their character and credit that they had made in the past is all that is left, and the only remaining capital upon which to commence anew. And this is so well established that employment and business is abundant for everyone who desired to commence anew, with hope, confidence, and energy.

Our merchants did not have first to apply to their eastern correspondents for new stocks, but without asking and before they had time to clear away the debris and learn if they had anything left in the smoldering ruins, proffers of goods to any amount came from the wholesale houses in St. Paul, Milwaukee, Chicago, St. Louis, Boston, and New York, and in some instances large invoices of goods were shipped without waiting for orders.

The demand for labor at large wages is assured to every mechanic and laborer who is willing to work, and no man need lay idle a single day from now until spring. The erection of new buildings commenced on the morning of the fire, and before it was known that the flames had been checked and were under control. Since that time, and as fast as men could be put to work, arrangements have been consummated to erect new buildings, until now more than half the vacant lots have partially constructed frames of new houses upon them.

The voluntary response of the country in generous offers of substantial assistance to our wants and needs is a circumstance connected with our misfortune that will always be gratefully remembered by the people of Deadwood. The first message was from the Hon. G. G. Bennett, our congressional delegate, at Yankton, to General Dawson, inquiring what we needed, and assuring us of his readiness to aid in any way desired. Then came similar offers from Helena, Mont., and the mayor of Yankton expressing the sympathy of the people of those cities, and tendering substantial aid and assistance. The messages of generosity were acknowledged, and as there was no apparent necessity for contributions from abroad, they were so notified.

There is no advance in the price of provisions or staple articles of groceries, and with what are in store and known to be en route, there is no likelihood of any scarcity of any class of goods to make an advance in their price possible, even if there was a disposition upon the part of any one of our dealers to take advantage of the situation to raise their prices, which we are happy to say there is not.

Another very commendable practice among the merchants in this day of tribulation and destitution for many, was the credit system which was freely extended to every worthy and needy person.

#### GOVERNOR HOWARD AT DEADWOOD.

Governor Howard, who was at the capital of the territory, was among the first to journey to Deadwood, and offer his services to the stricken community,



and give them such substantial aid as he could offer. An extra session of the Legislature was proposed in order that some measures might be enacted to enlarge the power of the city and county in such an emergency, but there was no authority for calling an extra session, and Congress was not in session where the authority resided. The governor reached Deadwood October 5th, about ten days after the fire, and on the 7th a public meeting was held at the Congregational Church, to listen to an address from his excellency. We produce that portion of his remarks regarding the great disaster that had befallen those who composed his large audience, as showing his practical opinion of what the people most needed in their present condition. He first said:

I would like to speak about Dakota. Our territory is four times as large as Ohio. In the course of time it will become one or more great states. It is a wonderful fact that since the United States became a nation, down to the present time, the increase in population has become in ratio 12 per cent greater than last year. Today our republic's population is 40,000,000. In another 100 years we will have at least 80,000,000 people enjoying the wealth and produce of this great country, and I don't know but that about 1999 we will have a complete 100,000,000 people. That is, if the same ratio of increase continues. Friends, if this number of people inhabit the United States of America, what will be the condition of Dakota? I leave you to judge. It is as wonderful a thing as has ever characterized a nation.

In a few years we shall have a railroad, or more than one, perhaps, coursing through this beautiful Black Hills country. With it will come other evidences of your prosperity, and you deserve it. My admiration for this country is greater than ever, since the recent catastrophe which has overtaken you, and has made many of you poor. But let me tell you right here, that what I admire most is your indomitable pluck in helping one another and refusing all aid from outsiders. I am and will be only too happy to offer you assistance—and on the spot. It is only a mite, but you are welcome to it. This is genuine pluck, and may your refusals of all aid only be a means of rebuilding your town to more beautiful proportions than ever before, is the wish of your fond admirer before you. You are all good citizens, and whether white or black, I shall be proud to shake any man's hand who will step forward and do me that honor.

Immense applause followed this earnest and emphatic declaration of the governor, which was followed by a season of introduction and handshaking, that partook largely of a reunion of old friends who had come out for a joyful occasion. The governor had struck a responsive chord in the hearts of those who had listened to his remarks. There was no flavor of flattery in his words, simply earnestness and honest emphasis.

The governor returned from his trip to the hills by the Bismarck route, and the Northern Pacific. He spent a day or two at Fargo and was taken around the town and out into its rural environs, in order that he might have more good things to say about Dakota, for Fargo at the time was growing rapidly and substantially, but the governor told them the country was growing more rapidly than the city, and they had much to do before they could catch up with their rural customers. The year had been one of great prosperity throughout the territory, and the northern portion had received its full share.

The rebuilding of Deadwood was not accomplished as rapidly as was its destruction, but it is a question whether any city in the United States, following such a ruinous and complete conflagration, was restored fully, in a modern and most substantial manner, in less time than had been occupied in building the new Deadwood—the Phoenix Deadwood. The fire occurred September 26th, and on the 20th of December, less than two months later, we have an authentic report that

Every vacant lot, made so by the great fire, is now covered by good substantial buildings, and despite the intense cold weather, we have now a city even more prosperous than before the fire. A city with banks, representing millions of capital, hotels capable of accommodating hundreds of guests, filled to overflowing, great storehouses stocked with everything which the world supplies for the comfort of mankind, manufacturing industries of various kinds, churches, school houses, a courthouse, theaters, and a jail of the fire-proof and burglar proof, and prisoner proof pattern. The city has now a population of more than six thousand. The city schools are crowded to their fullest capacity with pupils,

and the churches have more numerous congregations than ever. For the last week the thermometer has been ranging in the north wind on 20° below zero and that together with the lack of abundant rain would indicate cold weather. It is cold, and extraordinary, even for this mountainous region, but we do not realize or feel even this unusual frigid atmosphere any more sensible than we did the temperature of 100° when we suffered for ten winters in the Missouri Valley. Weak persons, those not robust, suffer if exposed during such cold spells, but the robust of both sexes pay little heed to it, except to increase their gait when walking in the air, with their mouth covered with one mittened hand, to obstruct the passage of the cold air to the lungs. By compelling yourself to breathe through your nostrils, the natural avenue, the air has time and opportunity to get warmed up before it reaches the breathing mechanism. But Deadwood is a larger city and has recovered about beyond description, by being rehabilitated.

#### DEATH OF CAPTAIN MINER

Capt. Nelson Miner, a citizen of Vermillion, where he settled in 1860, before the organization of the Territory of Dakota, died at his home in that city, on the 24th of October, 1870, after a short illness. He had been one of the useful men during the pioneer period, and was generally esteemed for his many excellent qualities. His title of captain was one he had richly earned, he had adequately given of his services to the Government and to the people, during the Civil war, four years of active duty in the field, defending the frontiers of Dakota from hostile Indians, who were not only numerous, but bent on war and the extermination of the white race from the territory. He was commissioned captain by Gov. William Jayne, in 1861, under an order from the Department of War, authorizing the raising of two companies of cavalry in the territory. This was during the first year of the great Civil war, when in every state the work of recruiting the vast armies that were later engaged in that struggle, was in progress. Captain Miner did the work of recruiting his company to a great extent; it was mustered into the service of the United States the following March, as Company A, First Regiment, Dakota Cavalry; entered the field without delay, and knew little rest for nearly four years. Captain Miner, had he been with a regiment from the states would have reached a much higher rank before the close of his service, for he was an able commander, perfectly fearless, sought for when hazardous undertaking was contemplated, and he never failed to win the highest encomiums of his superiors, but as there were but two companies in his fragment of a regiment, he could only look for promotion by consenting to separate from his company. The glitter of epaulettes which such a change promised, was no compensation for the abandonment of his boys, all of whom held him in the highest respect, and trusted implicitly in his skill and courage as a commander to lead them prudently and skilfully through the dangers they were forced to brave in the hazardous employment of soldiers in time of active war. The captain felt all the solitude and affection of a parent for his troopers. The high regard and confidence was truly mutual.

The captain and his company served during the Civil war with substantial credit, receiving from General Sully, at the close of the war, a letter of commendation for faithful service. The captain's company was known to the general as the "Coyotes," because of their fleetness when in pursuit of the enemy. The company never found an occasion that compelled it to retreat. Mr. Nelson Miner came to Dakota in 1860, from Adel, Dallas County, Ia., and opened a hotel at Vermillion, but he soon gave it up for a career in the service of his country. His company protected the scattered and feeble settlements of Dakota, unaided by other military force, for nearly a year after it was mustered in. It was split into a half dozen small detachments, and guarded the country from Choteau Creek to the Big Sioux, including the outlying cluster of white people at Sioux Falls, and the hostile red men learned during this time that he was ready to meet them at all times if he could catch them, for he was never known to retreat. Indians have a wholesome respect for such a command and give him a name typical of his fighting qualities. The Indian stories and sketches in this work will enable the reader to get a correct measure of Miner in the field on different occasions. He

returned to Vermillion at the close of the war in 1865, and resumed his hotel-keeping where he had left off four years before. There was not a particle of style or boast about the gentleman, but like John Burns, at Gettysburg, he shouldered his gun when the battle was over, and quietly went back to his cows and his bees. But his country remembered him slightly by making him register of the land office at Vermillion. The Republic felt grateful to its veteran defenders, but it must always be remembered that while there were nearly a million of the brave boys who deserved reward in a substantial manner, there was an office for only a small per cent. The general feeling among the people was staunchly in favor of giving the offices to the returned soldiers. In addition to the land office position, Captain Miner was honored by his constituents at home with an election to the Legislature, Upper House, for three terms. It was an honorable office and one of responsibility, and the captain filled it with credit. The captain was a fairly good manager, and had accumulated sufficient to free his mind from worry about the future on that account. A newspaper, giving a brief and truthful obituary, concluded thus:

There has been a great deal to admire in the quiet, unostentatious life of Captain Miner, and much that could be patterned after with earthly and eternal profit to those who will follow the teachings of his honest career. He died in the faith of the Protestant Episcopal Church.

He left a family consisting of a widow and three children, two sons and a daughter, all of whom remained in the territory.

#### PRAIRIE FIRE, BIG SIOUX VALLEY

In the spring of 1879, beginning the last of March, and continuing for possibly a week, the Big Sioux Valley, from the southern portion of Union County to Brookings County, was the theater of the most disastrous prairie fire that had scourged the farming settlements of the territory. The farmers were the keenest sufferers always from the burning of the prairies. The dry grass of the previous fall was abundant, and the flaming grass, once under way, was impossible to control. Hundreds of farmers, who had accumulated a fair beginning for a prosperous farm life, were ruined financially, losing their barns, grain, implements, much live stock, and here and there even their dwellings were swept away, though by giving their entire exertions to the saving of the family residence, many of these were saved, or most of them, but men, women and children were fatally burned, and a greater number so seriously, that they were permanently injured. Lincoln County people, apparently, suffered the heaviest losses in property, owing to the greater number of farms exposed. The fire threatened the lower Town of Canton, and only by the most strenuous exertions, was the place protected. Sioux Falls, then a village, did not entirely escape. Buildings within the village were burned.

Everywhere along the valley, the conflagration raged, fanned by a strong wind, and everywhere men and women were working in the dense smoke to stay the progress of the destroyer. The ordinary fire-break proved of little value, the high wind carrying torches of burning grass through the air for hundreds of feet, igniting the grass and frequently trapping the fire fighters between two fire walls. It was in Northern Union and Southern Lincoln counties, that the blazing valley was described as a mass of fire six miles wide and twenty miles long, consuming residences, rural schoolhouses, country churches, while domestic animals could be seen fleeing through the smoke and flame, and occasionally a human life was preserved by flight, and rapid flight.

The valley above Sioux Falls for a distance of thirty miles was completely burned over.

A calamity so widespread and destructive of personal fortunes, reduced a large number of deserving people to penury, and measures of relief were immediately resorted to from the neighboring communities of the territory.



The burned district was over one hundred miles in length, up and down the valley, and varied in width from two to three to twenty miles, and this did not take into account the burned area on the Iowa side below Sioux Falls. It proved the most destructive, and covered a larger occupied domain than any prairie burning that had occurred since the territory was settled by white people. It entailed the loss of a life time of industry and savings upon a more numerous class of worthy people, than any similar calamity, and cost more human lives than any former flood or flame in Dakota.

#### W. C. T. U. ORGANIZED

An order of the Woman's Christian Temperance Union for the Territory of Dakota, was instituted at Yankton, at the close of a territorial temperance meeting held at Yankton, November 14, 1879. The association was organized by the election of the following officers: President, Mrs. (Governor) Wm. A. Howard; secretary, Mrs. Stewart Sheldon, Vermillion; treasurer, Mrs. Wm. H. McVay, Yankton; vice presidents: Mrs. G. W. Kingsbury, Yankton; Mrs. K. B. Finley, Vermillion; Mrs. M. B. Fauss, Elk Point; Mrs. Lucius Kingsbury, Canton; Mrs. Melvin Grigsby, Sioux Falls; Mrs. M. B. Hughes, Firesteel; Mrs. George Mead, Springfield; Miss Lida Bowen, Pierre; Mrs. George I. Foster, Fargo; Mrs. A. D. Thomas, Deadwood.

The order resolved to become an auxiliary of the National Christian Temperance Union; and the vice presidents were authorized and urged to organize local societies in the several counties under their respective jurisdictions.

#### INDIANS

A census of the Santee Indians who had located at Flandreau, in Moody County, in 1860, was taken in August, 1879, ten years later, by Rev. John Eastman, a native Santee missionary. He found 321 Indians in Moody County; 57 could read English, and 137 could read the Dakota language. They had 620 acres under cultivation; owned 69 horses, 62 oxen, 48 cows, and 38 other cattle.

The Yankton Indians were divided into eight bands in 1879, under the following chiefs: One, Pa-do-ne-pa-pi, Strike-the-Ree. Two, Psi-ka-Wa-kin-yan, Jumping Thunder. Three, P-te-Wa-kan-Na-jin, Medicine Cow. Four, Ma-gas-ka, White Swan. Five, Tun-kan-Was-te-na, Pretty Rock, Felix Bonnot. Six, Wy-a-ka-Sin, Feather-in-the Ear. Seven, Wan-mi-di-Sa-pa, Black Eagle, John Ree. Eighth, Te-pe-Sa-pa-Black Tepe, Philip J. Deloria.

Senator McCrary, of Kentucky, submitted a report from the Joint Committee, appointed to inquire into the expediency of transferring the Indian Bureau from the Interior to the War Department, which was signed by four members of the committee, in favor of the transfer. This report was submitted February 1, 1879, and contained the following paragraph:

We believe the interests of the Government and the good of the Indians will be best promoted by transferring the management of Indian affairs to the war department, leaving it discretionary with the secretary of war to appoint civil agents to those agencies at which, in his judgment, the interests of all concerned will be best secured by such agent, and officers of the army where the interests of the service require it.

No action was taken by the House on the report, but it undoubtedly reflected the sentiment of a large minority of the members who had been made familiar with the eccentricities of Indian management during the Hayes administration under Schurz and Hayt. Their experimental reform work had been a succession of serious mistakes; but the Indian Rights Association and other powerful influences could not be made to believe that a change to the War Department would be advantageous to the Indians.

Sixty one families of German Russians, numbering 315 persons, came into Dakota, by way of Yankton, July 25, 1879, and were given a reception by their



countrymen. They brought with them nearly one million dollars of money largely in gold. They came direct from the old country, and belonged largely to the Mennonite sect, and were from the government of Tauria, Russia. This party did not design to take up Government land, and purchased from settlers in Hutchinson, Armstrong and Hanson counties.

Specie payments which had been suspended since the breaking out of the Civil war in 1861, were resumed eighteen years later, January 1, 1879.

Fort Union above Fort Buford which was built for a trading post in 1830, by the American Fur Company, was in ruins in 1879, but these disclosed that it had enclosed a number of log buildings and a stone fort with bastions.

The Government telegraph line was completed to Standing Rock Agency in 1879.

#### THE GREAT RIVAL RAILROADS

The rivalry between the Milwaukee and Northwestern Railroad companies, in the southern portion of the territory was spirited, each seeking to gain control of the territory south of the line running west from the northern boundary of Minnehaha County. The Northwestern interests had been in entire control at Sioux City for over ten years. It was first in the Southern Dakota field including Sioux Falls, having at an early day gained virtual control of the Dakota Southern, and of the Sioux City and Pembina, both centering at Sioux City. The Dakota Southern was early planned to extend from Yankton up the James River Valley for an indefinite distance, probably to a connection with the Northern Pacific at Jamestown, and as indubitable evidence of this the articles of incorporation filed by the officers of the Northwestern with the secretary of the territory, elsewhere given in the railroad reports of 1871, will be found interesting. That project called the Dakota Central, was a Northwestern enterprise and headed by the president of that company.

The Milwaukee Company constructed its main line across to Mitchell, in 1870, and its branch from Marion Junction to Running Water; and also gained control of the Southern Minnesota and built from Flandreau south to Sioux Falls. It also surveyed a line from Rock Rapids, Iowa, to Yankton, crossing the Big Sioux near Eden, and graded a large portion of this line. This last move of the Milwaukee appears to have satisfied the Northwestern people that it was not a match for its energetic and enterprising antagonist, for it was soon followed by a sale of the Dakota Southern and Sioux City and Pembina, largely owned by Mr. Blair, to the Milwaukee Company. This gave the latter company the entire field, and rendered the Yankton and Rock Rapids line unnecessary – a great loss, however, to Yankton.

The articles of incorporation of the Chicago, Milwaukee and St. Paul Railway Company filed in the office of the secretary of the territory as required by law, May 21, 1870, designated their route through the Territory of Dakota, as follows:

From the Big Sioux River on the eastern boundary of the territory, in a westerly direction to the Missouri River, a distance of about two hundred miles, passing through or into the counties of Lincoln, Turner, McCook, Hutchinson, Hanson, Davison, Aurora, Brule, Buffalo, Hand, Hyde, Hughes, and Sully, with a branch from some point in Lincoln County, through Turner, Clay, and Yankton counties, to Yankton, on the Missouri River, a distance of sixty miles.

A later resolution of the Milwaukee Company, filed with the secretary, stated that they would build from a point on their line at or near Maxwell City, Hutchinson County, to Yankton; this line was said to be intended to head off the extension of the Dakota Southern from Yankton up the James River. Another line described in their resolution, was a branch from Finlay, Turner County, through Turner, Hutchinson and Bon Homme counties to the Missouri River. This was the proposed Running Water branch. Still another branch was from a point

on their main line in Lincoln County, in a northerly direction to Sioux Falls and Blandreau. The Milwaukee designed to control the transportation business of Southern Dakota Territory.

The railways were the pioneers in 1870, and as a rule located the stations along their lines to suit their own convenience. In the case of the Chicago and Northwestern from Tracy west; the first station in Brookings County, after crossing into the territory from Minnesota, was named Verdi, in range 46, next Aurora, range, 49; Brookings, range, 50; Volga, range, 51; Nordland, range, 53; DeSmet, range, 56; Iroquois, range, 58; Cavour, range, 60; Huron, ranges, 61 and 62. There were a number of settlers in the country bordering the railroad at the time, and the organization of the County of Kingsbury had been delayed waiting the coming of the iron horse and the location of the towns. The first petition for organization was followed by a remonstrance asking for delay until the stations along the line were located.

## CHAPTER LXXXII

### DEATH OF GOVERNOR HOWARD—N. G. ORDWAY APPOINTED

1880

GOVERNOR HOWARD'S ILLNESS AND DEATH—SECRETARY HAND URGED AS HIS SUCCESSOR—MEMORIAL SERVICES IN HONOR OF THE DEAD EXECUTIVE—PRESIDENTIAL ELECTION YEAR—TERRITORIAL CONVENTION AT FARGO—THE CENSUS OF 1880—POPULATION, 134,770—NEHEMIAH G. ORDWAY OF NEW HAMPSHIRE APPOINTED GOVERNOR—A REMARKABLE MAN—HIS JOURNEY THROUGH DAKOTA, INCLUDING THE BLACK HILLS—DAKOTA AND THE TARIFF.

#### GOVERNOR HOWARD'S LAST ILLNESS

A few weeks after reaching Yankton from his Black Hills trip, Governor Howard was taken ill and was confined to his bed for a number of weeks with neuralgia, but gradually recovered, and early in February, 1880, in company with his wife and a local physician, Doctor McGlumphy, went to his former home at Detroit, Mich. He stood the trip well, and aside from the weakness induced by his prolonged illness, was in fair health. The governor had not been in vigorous health for years, and though not an invalid, he was subject to spells of physical depression, and was obliged to exercise care in his daily routine at all times. About the 10th of March he wrote to Rev. Joseph Ward, of Yankton, that he had nearly recovered his accustomed health and strength; expressed his gratification for the sympathy and well wishes of the people of the territory, and hoped soon to be with them again. A day or two later, in company with Mrs. Howard, he went to Washington. About the 25th of March, word was received by a friend in Yankton, that after reaching Washington, he was prostrated by a second attack of the malady which kept him in bed so many weeks during the winter before he left Dakota. This was followed about a fortnight later, by a dispatch which became public, that the governor was at the National Hotel, Washington, dangerously ill. The dispatch stated that as he was nearly sixty years old, he was said to be gradually breaking down, and "having many old friends and acquaintances here, I hear much sympathy expressed for him."

The governor died on the morning of April 10, at 8 o'clock. A letter from Hon. Granville G. Bennett, Dakota's congressional delegate, gives the incidents of the governor's death:

Washington, D. C., April 10, 1880.

Governor Howard passed away peacefully at 8 o'clock this forenoon. Funeral services will be held this evening at 6 o'clock, at the National Hotel, and his family will leave with his body tomorrow morning for his old home in Michigan.

The news of his death, though not altogether unexpected, will be received with profound sorrow in every part of our territory. The people had learned to love and honor him, in a way that falls to the lot of but few men to win popular affection in so short a time. He came among us an entire stranger personally, although we knew something of his past life and record. He brought to the administration of our territorial affairs the ripe judgment and experience of age, the wisdom born of experience, and the most unselfish

devotion to our highest and best interests. His ambition in his decline of life was to help lay the foundation of our young state, and leave his impress on our institutions and laws, as a sort of crowning work to a life that had been full of usefulness and honors. But he has been cut down in the midst of a labor into which he had entered with all his heart; but may we not hope that the influence of his life of nobleness and Christian virtue, exemplified even for so brief a period among us, may be felt for long years to come.

His last thoughts expressed to me were for Dakota. At a late hour last evening he called me to his bedside, and intimated his conviction that the end was near, and said he had a longing desire to get well and return to Dakota to assist in carrying out some plans and measures which he had helped inaugurate. "But," he added, "if the Lord wills otherwise, it is all for the best. His judgments are true and righteous altogether." He also said he had felt much solicitude as to his successor. He has suffered a great deal, not acute pain, but that distress that comes of weakness and a constant struggle for breath. His malady was neuralgia. And as there was no longer any possible hope of recovery, it is a relief to know that he has found rest.

Heretofore, when I have left him in the evening, he would say, "call again," but last evening he took my hand and said in a very slow, solemn tone, "goodbye." His death has touched me as no event has done for years, and I feel that I have lost a friend whose friendship was priceless.

Mrs. Alpheus G. Fuller, of Yankton, received a letter from the wife of Congressman Conger, giving further particulars, as follows:

William A. Howard, governor of Dakota, only came here to die. He was able to walk about the house for a week or two after his arrival, but the month of March was trying to a delicate person, the weather being colder and stormier than we had had all winter. He never went out of the house until carried out by the pallbearers, after his last attack of neuralgia. He took a little cold in some way, and perhaps ate food not suitable for his delicate and feeble condition. At all events, he came down, down continually, until death released him at 6 o'clock yesterday morning. He had the best of medical attendance, kindest care, and attention by different ones at the hotel and out of it. Judge and Mrs. Bennett (your delegate) were ready and willing to do all they could for him, and they did—watching, etc., until the end came. Mrs. Birchard, sister-in-law, cooked everything he ate, and brought it here, and she knew just what he liked; and vied with one another to make him as comfortable as possible. But he was a brave, good man, not afraid to die, had no preparation to make, and fell asleep peacefully and without a struggle or a moan. He has gone to his rest regretted by all. It seems when a good man dies that we should never see him like again. Are you not glad that such a man was governor and lived among you? That you knew him just as he was? How much interest he felt in the prosperity of Dakota. He spoke of it with heartfelt pride and affection, saying, "no better people lived than were there." His funeral here was large, considering no notice was given. The President, Mrs. Hayes, members of the cabinet, members of Congress and their wives and citizens attended. The large parlors were filled with his friends. Doctor Sunderland and Doctor Chester officiated. Mrs. Hayes sent one of the most beautiful wreaths for his casket, and vases of flowers, here and there, sent by others, manifested their love for him in every way they could. The Michigan delegation were his bearers, together with Mr. Bennett, and attended him to the depot last evening at 7 o'clock. The family—Mrs. Howard, two daughters and two sons, left at 8 o'clock this morning. Mr. Conger and I were with them to the depot, and she took with her the colored man who nursed him so carefully. He will be a help to them all, for they are all tired out with grief, watching and journeying. The daughters did not get here until an hour after their father died.

Mrs. Howard wished me to write to you and tell you all about it, as she should not be able to, and give you her love, and I also wished to write so that you and their friends in Dakota might know some particulars of his last illness. Mr. Conger requests me to ask you to show this to ex-Governor Edmunds, who was a Michigan man and an old friend of Governor Howard. Remember me to your husband, and accept my best wishes for all your family, and believe me lovingly your friend,

STELLA B. CONGER.

Gov. William A. Howard was born in the State of Vermont, in the year, 1812, and was sixty-eight years of age when death overtook him. His life had been one of busy experiences. He was a graduate of Middlebury College, in the class of which John G. Saxe was a member, and was an intimate friend of that gentleman. After leaving college Governor Howard began studying with the design of entering the ministry in the Presbyterian faith, but subsequently abandoned this intention and took up the study of law, which he completed and became a prominent representative of his profession.

About 1840 he removed to Detroit, Mich., which was his place of residence up to the time of his appointment as governor of Dakota. In 1856 he was chosen



a representative in Congress from the Detroit District, and was the first republican elected to that body from Michigan. He served with distinguished ability through three terms, retiring in 1862 with the highest honors a grateful constituency could bestow. During the period of his congressional service he was placed in positions of the first importance. An uncompromising abolitionist from the beginning, his work lay in the direction of the freedom of an enslaved race, and he entered heartily and courageously upon it, and turned not aside from the plain path of duty. He was a prominent element in the Kansas troubles, and by his wisdom and sagacity did much to help the territory and the new state. The outbreak of the Civil war found the governor among the leading men in Congress, and he devoted himself assiduously to the task of combatting the rebellion. In this capacity his course became a part of the history of our country.

At the close of his third congressional term he retired from Congress, and was made postmaster of Detroit, a position which he held for several years. He was a delegate from Michigan to the republican convention of 1876, and led the movement which gave the state to Rutherford B. Hayes. On the 15th of March, 1878, Mr. Howard was commissioned governor of Dakota, and on the 12th of the following April, he took the oath of office and entered upon his duties, and took up his residence at Yankton the capital. During the winter of 1879 he was prostrated with a violent attack of neuralgia of the chest, and for a couple of weeks was in a serious condition. Recovering, he sought in the East and South the climatic influences which he hoped would restore him to complete health. At the national capital he was again prostrated by the old ailment, and a complication of lung troubles ensued, which ended his useful and honorable life.

When the intelligence of the death of the governor was received at Yankton, the capital, flags on all the public buildings were hoisted to half mast, and the executive offices were draped with crepe. The following proceedings took place in the District Court, which was then in session, on the afternoon of the 10th:

And now, April 10, 1880, the following announcement and motion were presented to the court by Judge West, to-wit:

May it please the Court: It has become my painful duty to announce the death, at the National Hotel, in Washington City, at 8 o'clock this morning, of his excellency, William A. Howard, the governor of this territory.

In view of the high character and eminent public services of the deceased, which have become a part of the history of our country, I would move that this court, out of respect for his memory, do now adjourn.

And the said motion being supported by Messrs. Shannon, Davis, and French, members of the bar, the Court, after a few remarks laudatory of the high character of the deceased, ordered an adjournment.

A public meeting of the citizens of the capital city and county was held the same evening at the courthouse, to take action regarding the representation of Dakota at the funeral. Ex-Governor Edmunds presided and Dr. S. S. Turner was made secretary.

Upon taking the chair, Governor Edmunds briefly alluded to the loss which the sad event had brought upon Dakota, and to the anguish he felt at the death of one who for thirty-five years had been one of his best and dearest friends.

Judge West explained more fully the object of the gathering, after which Secretary and Acting Governor Hand moved that the delegate in Congress, Hon. G. G. Bennett, be requested to attend the funeral of Governor Howard, as the representative of the territory, and that the chair appoint a committee of five citizens to co-operate with him in that capacity. On motion of Doctor Turner, Governor Edmunds was made a member of said committee. After appropriate remarks by ex-Governor Pennington, General Hendershott, J. R. Gamble, G. W. Kingsbury, and H. E. Dewey, the original motion was modified so as to appoint Rev. Joseph Ward, J. R. Sanborn, George W. Kingsbury and W. H. McVay, additional members of the committee, and the chair be empowered to fill any vacancies in the committee should any of those appointed be unable to attend.

and that he also have power to enlarge the committee if deemed advisable. On motion of Governor Pennington a committee of five was authorized to be appointed by the chair, said committee to draft resolutions expressive of the feelings of the community at the death of Governor Howard, and to report at a future meeting of our citizens, on which occasion all could have the opportunity of presenting such remarks or eulogies as might be desired. The chair asked and was granted permission to announce the names of the Committee on Resolutions later, after which the meeting adjourned.

Memorial services were held at the Congregational Church on Sunday afternoon (the following day.) About the pulpit were numerous floral decorations, behind which were the pastors of the city churches. Governor Howard's pew, in the body of the edifice, was draped, and was the only vacant seat in the house. Pews had been reserved for the federal, civil and military, and territorial officials, and at the opening of the formal services the official party marched in and down the aisles and took their allotted places. The service was opened with appropriate music, followed by Rev. J. W. Trimble, of Christ Church, who read the fifteenth chapter of First Corinthians. Rev. Stewart Sheldon followed with prayer.

Rev. Joseph Ward, pastor of the Congregational Church, delivered an address eulogistic of the deceased. He was the intimate personal friend of Governor Howard, and spoke both as pastor and friend. His address was replete with incidents showing the benign and lofty Christian character of the governor. At times the speaker was overcome by his feelings and was compelled to stop and recover his composure. At the conclusion of his address Mr. Ward resumed his seat, bowed his head, and wept as only one could weep who felt the poignancy of the grief he had alluded to in his sermon.

Rev. Mr. Brownson, of the Baptist Church, followed with prayer, and the solemn benediction was pronounced by the Rev. Mr. Trimble.

The committee selected by the chairman of the meeting to attend the funeral at Detroit was composed of Delegate G. G. Bennett, Rev. Joseph Ward, Gen. Henry Espersen, H. E. Dewey, and L. M. Purdy, territorial auditor. This committee was to have started Monday for Detroit, but a telegraphic advice came stating that the funeral would be held at half past 2 o'clock Tuesday afternoon, which would not give the committee time to reach there, and Judge Bennett was notified and requested to represent the territory.

The grand jury for the Second District of the Federal Court, was in session at this time, and joined in a testimonial of grief and regard, by passing appropriate resolutions, as follows:

Whereas, We, the grand jurors, have just learned with deep sorrow of the death of the Hon. William A. Howard, governor of Dakota Territory, therefore,

Resolved, That in him we recognized a man of high Christian character, great wisdom and true statesmanship.

Resolved, That we deeply deplore his loss as a citizen of our country but more especially as the chief executive of our territory, to which office he brought the ripe experience of a life fruitful in noble work to aid us in laying the true foundations of a great commonwealth.

Resolved, That we hereby tender our sympathy to the widow and family of the deceased, that a copy of these resolutions be presented to the court and asked to be spread upon the records, that a copy of the same be furnished the widow and family by the secretary of the grand jury, and that a copy be furnished the press for publication.

EDWARD P. WILCOX, Foreman.

ROBERT COX, Secretary.

April 10, 1880.

The mayor of the capital city issued a proclamation as follows:

The funeral of William A. Howard, late governor of Dakota Territory, will take place at Detroit, Mich., at 2 o'clock tomorrow, and as a fitting mark of respect for our late executive, it is hereby recommended that all places of business in the City of Yankton be closed between the hours of 2 o'clock and 4 o'clock tomorrow afternoon.

Yankton, April 12, 1880

F. M. ZIEBACH, Mayor.

The Yankton Turnverein, a society of Germans, held a memorial meeting and adopted resolutions, which are herewith reproduced:

Whereas, We, the members of the Turnverein, have learned with profound sorrow of the sudden and unexpected demise of our much esteemed governor, Hon. William A. Howard; and

Whereas, We, the members of the Yankton Turnverein, regard in particular this sudden departure of our executive officer from his exalted sphere of usefulness which he extended to any creed, guided only by his admired philanthropic principles and his high Christian character, admitted alike among all and any religious denomination, as well as among his political adherents and adversaries; and

Whereas, We, the members of the Yankton Turnverein, are now assembled in a body at the solemn hour in which the remains of our common benefactor are taken to their last resting place; therefore

Resolved, That through his death the citizens of Yankton in particular and Dakota have lost a wise counsellor, a true friend and a common benefactor, and the country in general has been bereft of one of Nature's nobility, of one of its patriots and of one of its most noble champions of liberty and truth.

Resolved, That we hereby tender our most heartfelt sympathy to the sorrowful widow and family of the deceased; that a copy of these resolutions be spread upon the records of our society; that a copy of the same be forwarded to the bereaved widow and family by the secretary of our Turnverein, and likewise a copy to the daily press and *Dakotian* of this city for publication.

CHR. HAMEISTER, Secretary.

CONRAD LANGE, President.

Yankton, D. T., April 13, 1880.

The committee appointed by Governor Edmunds, chairman of the citizens' meeting, prepared and gave out the following resolutions:

Whereas, It has pleased the all-wise Ruler of the Universe, in whose hands are the issues of life and death, to remove from the walks of men the Hon. William A. Howard, governor of this territory, who died in the City of Washington, on Saturday, the 10th instant; and

Whereas, During the short two years that Governor Howard resided amongst us and administered the affairs and discharged the duties of the chief executive of this territory, by his fervent patriotism, his sterling integrity, eminent ability, devotion to principle, and above all, by his exalted moral virtues and exemplary Christian walk and conversation, he had endeared himself to all classes and conditions of people of the territory without regard to party, sect, creed or condition; this sad intelligence, though not entirely unexpected, knowing as we did how long and patiently he had resisted the ravages of disease, comes upon us with peculiar force and crushing weight; therefore,

Resolved, That while we bow submissively to the Omnipotent will, we, in common with the citizens of Dakota, deplore the death of Governor Howard as a public calamity, for we can scarcely hope for a successor who will prove so eminently fitted for the responsible public duties the office involves, or for one who will be so universally acceptable to our people. In his death we feel that we have lost a wise ruler and a good citizen.

Resolved, That for ourselves and in the name of the citizens of Dakota, we tender to the patient, loving Christian wife, and to the bereaved children and other relatives and friends, our heartfelt sympathy and condolence in this their hour of great affliction, and knowing that words are as but ashes to hearts stricken as theirs are, we commend them to that God in whom the loving husband and kind father trusted for that consolation which human sympathy is powerless to give.

Resolved, That the secretary of the meeting be requested to prepare and forward copies of these resolutions, together with the proceedings of the meeting, to his excellency, the President of the United States, to the honorable secretary of the interior, and to the family of the deceased, and that Acting Governor Hand be requested to have the same spread upon the executive record in his office, and that the press of the territory be requested to publish the same.

John L. Pennington, A. J. Faulk, S. L. Spink, George H. Hand, Bartlett Tripp, Committee.

#### CONTEST FOR THE VACANT OFFICE

Hon. George H. Hand, who had been for a number of years secretary and acting governor of the territory, was the choice of a large majority of the people of the territory, for the succession. He was thoroughly familiar with the duties, having acted in the capacity of the executive during weeks and months at a time, and there had never been unfriendly criticism, of any moment, regarding his official action, while his ability to discharge the important functions of the position, was not questioned. But even while the sad rites of the funeral



of the late governor were in progress, the scramble for his mantle began at Washington, and a telegram dated the 12th of April informed the people that:

There is quite a contest over the appointment of governor for the Territory of Dakota, the office made vacant by the death of William A. Howard. Senator Cassation of Wisconsin, went to the President this morning and recommended the appointment of ex-Congressman Rusk. Senator Baldwin and others of the Michigan delegation recommended Henry M. Lerch of Detroit, and New Hampshire people asked the appointment of ex-Sergeant at Arms Ordway. The President stated to everybody that the people of the territory had asked delay until they could be heard from.

#### HOWARD'S WILL.

The will of Mr. Howard was filed for probate at Grand Rapids early in May, following his death. It was a lengthy document, but the bequests alone did not take up the entire document. To his surviving wife he gave the family residence, grounds and furniture, in Grand Rapids, and 100 shares in Second National Bank stock, Detroit. To his daughter, Delia O'Brien, \$12,000 cash, and a \$4,000 lot in Grand Rapids, in addition to \$6,000 already given her to buy a homestead. To his son, James B. Howard, a \$4,000 farm in Farmington, Oakland County, a \$4,000 mortgage on a lot corner of State and Rowland streets, Detroit, 100 shares of the American National Bank stock, Detroit, with surplus and accumulations, amounting to \$14,000, and also \$32,000 in cash. To his son William, a certain \$2,000 promissory note, a \$2,000 mortgage, and \$2,500 worth of stock in the Detroit Fire and Marine Insurance Company, together with \$6,500 worth of stock in the First National Bank of Grand Rapids, already given. To various national Presbyterian boards of home and foreign missions, church erection, publication, education, disabled ministers, etc., the interest on various sums amounting to \$23,000; also \$7,000 each to the American Tract and American Bible Societies, also \$15,000 in Grand Rapids City bonds and Detroit mortgages, and cash amounting to \$10,000, to William S. Howard and Charles A. Kent, as trustee for his daughter, Kate H. Riddle, her heirs, etc., and all the residue of the estate, of every description, to the widow. Messrs. Howard and Kent were appointed executors.

Governor Howard's death was a great loss to Dakota. He was well qualified for public station; honest and capable. His ambition was no higher than to do his duty well and opportunely; he was an exceptionally able man; practical in his views and recommendations and efforts, in all public matters. He was happily suited with the position of governor of Dakota. He enjoyed the genuine prosperity of the territory which prevailed in every quarter during his administration. He only desired to aid it to the best of his ability. He was identified with the entire territory, and every part of it equally; and was not allied with any faction, or interest, or section and had no unfriendliness for any human being. He was a Christian statesman, and being a statesman, he looked forward to the rapid development of Dakota and studied how best to promote its interest and the welfare of its people. His mind was on this and kindred problems. He had worldly wealth enough to satisfy him, and was not seeking an opportunity to make more money. He had an enviable national reputation; was one of the foremost men in the national republican party and had been from the founding of that organization. His influence at the national capital for any project that he would be willing to recommend for the advancement of Dakota, would have gone far in securing it. He was personally esteemed and trusted by the President and the members of his cabinet, and by the most influential members of Congress.

#### GEORGE H. HAND PROPOSED FOR GOVERNOR

The public sentiment in favor of Hon. George H. Hand, the secretary of Dakota, for the vacant position of governor, caused by the death of Governor



Howard, was quite pronounced throughout the territory. He was probably the best known and more generally acquainted with the people of all sections than any other citizen of the territory, having been secretary for a number of years, which brought him into personal and official contact with a great majority of the people. He was also an early settler and had been prominently connected with all the meritorious enterprises of the people, and felt withal that there was no land superior to Dakota land—enthusiastic regarding the future of the territory. He was in addition a veteran of the Civil war, and Dakota had not yet been given a governor from the ranks of the nation's defenders when its existence as a united country was imperiled. The President had also encouraged the belief that he had in mind the selection of Howard's successor from the citizens of the territory, having delayed action in the matter until the territory could be heard from. Regarding the sentiment in the territory, it was fairly expressed by almost the unanimous voice of the press, north and south and east and west, and the liberty is taken here to give a couple of excerpts from papers in different sections of the territory.

From the Pembina Pioneer, on the northern boundary:

President Hayes has at last struck the keynote as to the proper plan for the appointment of territorial officers. Scarcely had the sad news been announced of the death of Governor Howard than the President was besieged with applicants for the position. Mr. Hayes, however, very considerably and justly waved them off and refused to entertain their applications until the people of our territory could be heard from. This reflects much credit upon President Hayes, and is the true and only just rule to be adopted. With this view of the case we believe that the Hon. George H. Hand, our very efficient secretary of the territory and at present acting governor, will be unanimously recommended by the people for the vacant position. He is an old resident of the territory, and well acquainted with the wants and requirements of the people, and will do honor to the position. A rousing petition from Pembina has been forwarded to Mr. Hayes asking the appointment of Mr. Hand.

### Lead City Enterprise:

There will, in all probability, be quite a pull made by favored senators to have an outsider sent out to Dakota to rule us as governor. It is patent to all our people that it is wrong to be constantly represented by men who are not of us, and consequently have other interests to look after different from our own. The Times wisely says, "We have within our borders plenty of timber for as good an executive as was ever imported." We are democratic, but would ask why would not the present acting governor be a good executive? Hon. George H. Hand is a man whose interests are identified with Dakota, and he knows and appreciates our wants and needs better, by far, than any of the imported ex-senators or private secretaries, cast out of service in their own state.

### REPUBLICAN TERRITORIAL CONVENTION AT FARGO

A Republican Territorial Convention was held at Fargo on the 19th of May, 1880, for the purpose of electing two delegates and two alternates to represent the territory at the Republican National Convention which was held at Chicago on the 2d of the following June.

The territorial convention was to be composed of 138 delegates under the call, and there were 136 represented either in person or by proxy. Ninety-five were present in person.

The temporary organization was effected by electing Hon. Alex. McHench, of Fargo, chairman, and H. F. Miller, of Fargo, and Frank M. Allen, of Deadwood, as secretaries. After the preliminary business was disposed of, a permanent organization was made, Hon. George H. Walsh being elected permanent chairman, and W. H. McVay, of Yankton, and Frank M. Allen, of Deadwood, secretaries.

Early in the proceedings the Grand Forks delegation moved an adjournment before any vote was had for the election of the delegates, and when the motion was defeated, the delegation from that county, save the chairman, withdrew,

but returned later. They had been disappointed because the convention refused to endorse a Bismarck man for member of the national committee. Newton Edmunds, of Yankton, was recommended for national committeeman.

A committee of five, consisting of Messrs. Carter, Warner, S. G. Roberts, George P. Flannery and Woodruff, was appointed on credentials. After a recess of half an hour the committee submitted the following report:

Mr. Chairman—Your Committee on Credentials find the following named delegates entitled to seats in this convention: Armstrong County, 1, A. W. Howard, proxy; Barnes County, 2, S. B. Coe, A. H. Gray; Brookings County, 2, G. W. Hopp, T. H. Maguire; Clay County, 6, J. W. Carter, with proxies; Custer County, 1, Porter Warner, by proxy for D. S. Burke; Codrington County, 2, W. S. Glass, L. D. E. Poore; Deuel County, 2, F. J. Bowman, with proxy; Grant County, 2, J. J. Skuse, with proxy; Hanson County, 1, J. L. Turner, by proxy; Kingsbury County, 1, R. E. Pettigrew, by proxy; Lake County, 3; Minnehaha County, 6, R. E. Pettigrew, A. M. Flagg, J. R. Jackson, E. G. Kimberley, with instructions to cast the full vote; Moody County, 5, H. M. Williamson, L. Gray, A. J. Hopkins, F. W. Pettigrew, F. M. Spear; Pembina County, 3, Judson LaMoure, C. J. Brown, W. H. Moorhead; Richland County, 2, Judge Hazlehurst, with proxy; Turner County, 4, A. M. Flagg, with proxies; Union County, 8, L. P. McClarren, Alex. Hughes, O. Gunderson, W. H. H. Fate, L. Emery, M. Y. Lehm, I. Ellis, J. J. Merrill; Burleigh County, 3, G. P. Flannery, L. N. Griffin, Harry Robinson; Bon Homme County, 5, J. L. Turner, with proxies; Brule County, 1, J. L. Turner, proxy; Cass County, 7, H. F. Miller, J. S. Campbell, I. W. Fisher, A. M. Green, N. Pinkham, S. G. Roberts, by proxy, S. S. Tyler; Charles Mix County, 1, J. L. Turner, by proxy; Davidson County, 1, J. L. Turner, by proxy; Grand Forks County, 5, W. J. Anderson, W. G. Woodruff, D. T. Tallant, D. McDonald, G. H. Walsh; Hutchinson County, 3, not represented; Hamlin County, 1, not represented; Lincoln County, 7, T. J. Thornstad, R. Z. Bennett, J. W. Carter, E. S. Ingalls, W. H. Ball, A. H. Kinsley, Allebone; Lawrence County, 25, L. W. Valentine, H. O'Connor, J. Bartholomew, W. H. Wood, W. P. Tyler, Seth Bullock, F. M. Allen, E. P. Fowler, C. T. Marshall, J. M. Lowtham, D. W. Greene, Hugh McKenna, J. A. Schiller, C. D. Porter, M. C. Thum, H. H. Mund, L. R. Graves, J. Lawrence, J. Wolzmut, H. C. Ash, R. E. Grimshaw, John Johnson, P. O. Grady, W. C. Barton, A. R. Z. Dawson; McCook County, 2, F. F. Emerson, by proxy; R. E. Pettigrew, by proxy; Morton County, 2, C. A. Lounsberry, by proxy, S. W. Raymond, by proxy; Pennington County, 4, Porter Warner, by four proxies; Stutsman County, 1, Major Lyons; Traill County, 5, J. R. Hagne, J. W. Warley, Ingwersen Larson, Iver Larson, Knud Nomland; Yankton County, 11, W. H. H. Beadle, Wm. McVay, A. L. VanOsdel, J. R. Gamble, G. A. Wetter, H. B. Wynn, M. A. Baker, E. G. Smith, G. W. Kingsbury, E. T. White, A. W. Howard. The report was adopted. Total number of delegates present, 131.

The Committee on Permanent Organization reported recommending G. H. Walsh, for president, and W. H. McVay and F. M. Allen, as secretaries. The report was adopted.

Mr. Jackson moved that the delegates be instructed to urge the name of J. W. Raymond, of Bismarck, as member of the national committee.

Mr. Beadle, of Yankton, moved to substitute the name of Governor Edmunds for that of Mr. Raymond, and the roll being called, resulted for Edmunds, 64, and for Raymond, 57. This was a sort of test vote between the north and the south. At this point the Grand Forks delegates except the president, Mr. Walsh, withdrew, said to have been offended because Raymond was not recommended.

E. S. Grant and Jas. G. Blaine were the two candidates for the presidential nomination and it was understood that Dakota favored Grant, but the Blaine faction disputed this. However, in electing delegates, the convention selected Chas. T. McCoy, of Bon Homme County, and Porter Warner, of Lawrence County. For alternates, Frank M. Veitz, of Grand Forks, and Alexander Hughes, of

Union, were selected. McCoy was an out-and-out Grant man; Warner was not so pronounced, but was counted for Grant. Hughes was friendly to Blaine. The convention did not instruct the delegation. The sentiment of the convention favored the renomination of Delegate Bennett for Congress. The convention was the largest representative body that had assembled in the territory for any purpose up to that date.

James A. Garfield, of Ohio, and Chester A. Arthur, of New York, were the republican candidates for President and vice president of the United States in 1880.

The democratic candidates for the same offices were Gen. Winfield Scott Hancock, of New York, and William H. English, of Indiana.

#### THE DECENNIAL CENSUS

The decennial census of the United States and territories was taken in 1880. A presidential election occurred the same year, and also the general election in Dakota. Railroad building was active in the territory, the Milwaukee and Northwestern both building to points on the Missouri River. Thousands of new people came in and made settlements throughout both the northern and southern sections of the territory. The census of 1870 had revealed a population of less than fifteen thousand. The census of 1880 gave the territory a white population of 134,770, a gain substantially of one hundred and twenty thousand. Since 1870 the Black Hills had been added to the area of lawful settlement, and returned a population of 16,417. The table herewith will be of interest, as it gives the population by counties, and shows that north of the forty-sixth parallel of latitude there were 36,780 people; and south of that proposed boundary there were 83,573. The following table gives the official returns:

The United States census taken in May, 1880, gave to the several counties and principal cities and towns of the territory population stated in the following table:

County—		County—	
Armstrong .....	2,606	Hand .....	154
Burleigh and Emmons.....	3,285	Kingsbury .....	1,102
Buffalo .....	232	Kidder .....	89
Borsman, Rusk, Walworth and Campbell .....	624	Lincoln .....	5,910
Barnes .....	1,588	LaMoure .....	20
Brown .....	359	Lake .....	2,600
Bon Homme .....	5,474	Lawrence .....	13,200
Brookings .....	4,972	Minnehaha .....	8,169
Beadle .....	1,298	McCook .....	1,283
Brule and part of Aurora.....	263	Meyer .....	115
Clay .....	5,001	Moody .....	3,914
Cass .....	8,900	Miner .....	363
Clark .....	114	Pembina .....	5,500
Charles Mix, Todd and Douglas.....	610	Pennington .....	2,245
Codington .....	2,157	Richland .....	3,154
Davison .....	1,250	Ransom .....	537
Morton, Mercer, Stark and Billings..	1,551	Ramsey .....	281
Day .....	97	Stutsman .....	1,007
Deuel .....	2,206	Sisseton Indian Reserve .....	207
Emmons .....	38	Spink .....	477
Foster .....	37	Sully, Cheyenne Agency, etc.....	587
Forsythe and Shannon.....	113	Traill .....	4,127
Grand Forks .....	5,482	Turner .....	5,322
Grant .....	3,010	Union .....	6,832
Hutchinson .....	2,966	Walette, Montraille, Howard and Williams .....	466
Hanson .....	1,306	Yankton .....	8,412
Hamlin .....	683		
Hughes and Stanley .....	773	Total .....	134,770



## POPULATION OF CITIES AND TOWNS

Deadwood .....	3,077	Wahpeton .....	400
Sioux Falls .....	2,103	Valley City .....	308
Lead City .....	1,437	South Bend .....	200
Watertown .....	740	Huron .....	163
Canton .....	635	Fargo .....	2,095
Rockerville .....	321	Grand Forks .....	1,500
Mandan .....	230	Terryville .....	775
Bonnerville .....	195	Vermillion .....	714
Yankton .....	3,434	Rapid City .....	385
Bismarck .....	1,700	Fort Pierre .....	297
Central City .....	1,012	Custer City .....	201
Elk Point .....	719	Gayville .....	130

The population of the United States was nearly fifty million, having increased from 38,500,000 since 1870.

## N. G. ORDWAY, OF NEW HAMPSHIRE, APPOINTED GOVERNOR

A most remarkable man was finally sent to Dakota as governor in 1880, to succeed Governor Howard. This was the most important office connected with the territorial government, and with the material interests of the territory generally, and 1880 was the most critical time in the career of the territory—a time when integrity was demanded of everyone in authority and in none more than that of the governor.

No dereliction of the officials could at that time halt the great wave of immigration that was flowing Dakotaward from the East and crossing its 400 miles of eastern boundary at scores of places; nor could it have stayed the resistless march of railway builders who were linking the territory together from north to south—and from south to north and from east to west. There was no precedent for this unrelenting activity in the settlement of other portions of the United States.

Nehemiah G. Ordway, of New Hampshire, was appointed by President Hayes as governor of Dakota to fill the vacancy occasioned by the death of Governor Howard, in May, 1880. He was a native of Warner, Merrimack County, N. H., and was fifty-one years old.

Mr. Ordway had led a very active business and political life, engaging when quite young in mercantile pursuits, and had since been connected with business enterprises, serving for a number of years as president of the Kearsage National and Kearsage Savings banks in his native town. In 1855 he was elected sergeant-at-arms of the New Hampshire Legislature, and afterwards served as clerk. In 1857 he was appointed high sheriff of Merrimack County for five years, which position he resigned in 1861 to take the appointment of general mail superintendent for the New England States. In 1862 he was commissioned as colonel by the governor of New Hampshire, and in 1863 was elected sergeant-at-arms of the House of Representatives for the Thirty-eighth Congress, which office he filled for the succeeding twelve years. It does not appear that he was given any command or active service while holding his commission as colonel. He was not re-elected at the convening of the Forty-fourth Congress and returned to New Hampshire, and was elected from Merrimack County to the lower house of the State Legislature in 1875, and re-elected in 1876 and 1877, and also later served in the constitutional convention in the state and aided materially in improving the tax laws of the commonwealth. In 1878 he was elected to the State Senate for two years and was a member of that body when appointed governor of Dakota. From his extensive acquaintance at Washington and his experience, it was expected he would be able to render valuable assistance in promoting the political affairs of Dakota Territory, which at that time was taking the preliminary steps to enter the Union as two states.

When Governor Ordway was appointed, the people of Dakota were much gratified to read these lines concerning him which appeared in a New Hampshire



paper, the Concord Daily Monitor, while the confirmation was pending in the Senate:

The Senate committee has reported favorably on the confirmation of Col. N. G. Ordway, to be governor of the Territory of Dakota. This is equivalent to his confirmation, which will be formally effected next Tuesday (June 1). Geographically, Dakota is larger than New York, Pennsylvania and New England combined, containing over one hundred and fifty-two square miles. Next to Texas it is the largest domain in the Union. Its present population is about one hundred and fifty thousand, but is rapidly filling up with settlers, being a fine wheat-growing region. Nearly four million bushels of wheat were grown there last year. That Colonel Ordway will make an efficient and popular governor is the opinion of all who know him here. He is sagacious, courageous and enterprising, genial and kind-hearted, but firm as his native granite hills in the maintenance of his convictions of duty, both private and public. Emphatically a self-made man, he has overcome obstacles such as few men are called upon to encounter, and in every position he has been called upon to fill has proved his fitness even to the satisfaction of his political opponents. Fertile of resource, energetic almost to a fault and untiring in his devotion to the right, "as God gives him to see the right," we predict for him a successful career in Dakota, and wish him a hearty godspeed.

The ceremony of inducting Nehemiah G. Ordway into the executive office of the territory took place at Yankton, the capital, on the 23d of June, 1880; and was similar to the formalities observed at the installation of Governor Howard in 1878. Secretary Geo. H. Hand, who had been acting governor for a number of months, opened the proceedings by reading the commission of Mr. Ordway, signed by President Hayes and attested by Carl Schurz, secretary of the interior, and dated May 26, 1880, followed by the secretary with a brief address, saying:

Governor Ordway: In behalf of the people of Dakota Territory, I extend to you a cordial welcome. In their behalf I express the hope that all mutual relations may be pleasant and profitable; that as you become acquainted with them you will discover within them an earnest desire to build for a prosperous future, and that, as a culmination of your territorial administration, you may hand over to your successor two full-fledged states.

Hon. Peter C. Shannon, chief justice of the territory, then advanced to the center of the assembled citizens and officials, and requesting the newly appointed governor to hold up his right hand, the following so-called iron-clad oath of office was then administered with due solemnity:

I, Nehemiah G. Ordway, do solemnly swear that I have never borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel or encouragement to persons engaged in armed hostility thereto; that I have neither sought, nor accepted, nor attempted to exercise the functions of any office whatever, under any authority or pretended authority, in hostility to the United States; that I have not yielded voluntary support to any pretended government, authority, power or constitution within the United States hostile or inimical thereto. And I do further swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies foreign and domestic; and that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

Governor Ordway then spoke as follows:

Secretary Hand and Citizens of Dakota: I thank you for your kind words on this occasion. Especially do I thank you who have so long acted as secretary of the territory, and to you I am under deep obligations. I come to Dakota in pursuance of a policy long held to be good—a policy which sends men from the different sections of the Union to the unorganized portions of the West. Sometimes this policy is not acceptable to the people; but in this instance I assure you it is my purpose and aim to labor for the best interests of all within the boundaries of this great territory. This position was tendered me by the unanimous agreement of the President and his cabinet, reported favorably by the unanimous vote of the Senate committee, and unanimously confirmed by the Senate itself. I feel that I owe obligations to all the people, and those obligations I shall endeavor to fulfill. I shall endeavor to be a good student of your ways and your needs, and to draw information from every source, which it will be my pleasure to use to advance the interests of this commonwealth.

Having learned these things, I shall employ my best efforts in cooperation with all good citizens in carrying out the interests of the Territory of Dakota.

In conversing with the assembled party, the new governor said that he deemed it the highest privilege to be given a place where he could help build a state; that he desired to work in perfect harmony with the people. The emoluments of the office were nothing compared with the good results which might come out of faithful service. At present he said he was like a blank sheet of paper, waiting to be filled, but was ready to learn and profit by the knowledge he would obtain. He was satisfied that Dakota had a great future, and the responsibility for its fulfillment rests with the people. It was his desire to cultivate the best side of our people, and he hoped they would cultivate his best side. There were always opportunities for disagreements and the better way to avoid dissension was to go around these opportunities.

During the summer the governor made visits to every section of the territory. Accompanied by his family he visited the Black Hills; the northern portion of the territory; the Big Sioux Valley, making addresses to the people, and becoming acquainted with them earlier in his administration than had any of his predecessors save the earliest. He also visited all the points along the Missouri River, taking passage on some of the numerous steamboats, which permitted him to stop a day or two at the most important points. His most interesting stop was at the settlement at Fort Pierre, which was at that time the liveliest town in the Northwest, being the outfitting point and the starting point for hundreds of Black Hills trains. Every citizen carried a six-shooter, moved thereto by the force of habit, and to give notice that he was ready for any emergency. The governor stated that when the steamboat upon which himself and family had taken passage to Fort Sully, reached West Pierre, "a crowd of roughs rushed on board and undertook to get possession of the supper tables in the ladies' cabin, while the passengers were at tea, and it was with considerable difficulty that this crowd was gotten off the boat. Late on the same evening, some of the freighters and peaceable citizens came on board the boat and begged me to secure them some protection, saying they were wholly without law or order. One person stated that his place had been fired into twice that night. Another stated that several horses had been stolen, but when the parties were arrested or captured no one molested them. Other serious complaints were made. At all hours of the night, while the steamer was unloading on the west side, shots could be heard all over the place."

In commenting upon this situation the governor had characterized such conduct as "disreputable," which coming to the ears of the editor of the West Spirit Signal, criticized the governor for using such a term, apprehending that coming from such an eminent official source it was calculated to injure the reputation of the place.

At this time the Northwestern Railroad Company was preparing to lay out a townsite on the east bank of the river, to be called Central City (afterwards Pierre). The County of Hughes would then be organized and the railroad company and the Black Hills freight line interests intended to join with the county officials and make it a law-abiding city.

Governor Ordway fully appreciated the value of Dakota Territory as an agricultural region. He was agreeably disappointed in this respect. He was a very energetic man, and before the end of harvest in the territory, in 1882, having traversed the settlements quite thoroughly, wherever he could make them by rail, and in those good old days every governor had a pass for himself and his family over every railroad in his realm, he had concluded that the people of the eastern states had a very imperfect not to say prejudiced opinion of Dakota, for he had about come to the conclusion that it was better adapted to diversified farming than any section of the United States that he had knowledge of; and he conceived a plan of giving the eastern people an object lesson of the soil products of his new territorial abode. He also must have known that his plan would sow

the seeds of that variety of popularity which he deemed valuable for future operations. He accordingly procured a baggage car from the North Pacific Railroad people, who were glad of an opportunity to furnish it gratis for it would be used to advertise their country, and filled it with the products of the North Dakota soil contiguous to the railroad, and also a quantity from the agricultural districts of Montana—wheat, oats, barley, rye, corn, hops, potatoes, squash, and numberless minor products. These were as tastefully arranged in the car as an exhibit for a state fair and sent to Chicago, where the governor took personal charge of them. They were then taken to various parts of New England and to his native Town of Warner, where both he and the exhibit were sure to be welcomed and looked upon with surprise and admiration. The Massachusetts State Fair was being held in Boston at the time, and the car with its trophies from northwestern soil found its way there and proved a valuable attraction. The Boston Journal spoke of it as a new and striking display of the resources of the great Northwest. There was nothing in New England to compare with it. One day of the fair was given to addresses from the various governors present, and all the New England executives were there, and some Canadian notables; it was a presidential election year. Governor Ordway represented the great Northwest and made a fine address, which was referred to by the papers. Among the reports was that of the Journal, of Boston, which said:

Governor Ordway of Dakota, who is making a brief tour of New England with a car containing rich specimens of the agricultural and mineral wealth of the great Northwest, made a very interesting address upon the capabilities of the immense Territory of Dakota. He expressed his congratulations in behalf of 150,000 people inhabiting 150,000 square miles of territory, many of whom are natives of New England. The resources of this new country, he said, were little understood. In size it exceeds the combined area of New York, Pennsylvania and New England, and in fertility its soil is unsurpassed. Between seven and ten million bushels of wheat have been harvested of this year's crop from the meager settlements of the territory, and the last year's yield of the mines aggregated over seven million dollars. But the speaker would not urge emigration on the part of any who are well-suited and contented with New England life. And any who do desire a change could not do better than to settle in the new country of the Northwest. He was glad to note the continued thrift of New England, for in it he saw an aid to the growth of the West.

Governor Ordway, with his family, made a trip to the Black Hills in July, 1880, going in on the Pierre route. He reached Deadwood safely on the 21st, accompanied by a military escort from Fort Meade. A committee of Deadwood's principal men, including the mayor, accompanied with a brass band, met his excellency just outside the limits of the city, and marched in procession through the town, which was gaily and patriotically decorated with the national colors and an occasional banner swung across the avenues, bearing the legend: "How, Gov. N. G. Ordway, How," and another, "Deadwood's Welcome to Dakota's Governor." The governor's wife and son George were with him. During the evening about one thousand citizens assembled in the vicinity of the Wentworth House, where the gubernatorial party were stopping, and the governor made an address to them, predicting that they would have railway facilities within a year. He also said the Black Hills reminded him of his own rugged and mountainous New Hampshire and made him feel at home, for such regions always produced loyal, law-abiding men and women, and but for his visit he might have become homesick. He remained in the hills a few days, and visited some of the mining camps, including the Homestake, and was well taken care of. The governor made the trip by the Pierre route, camping along quite comfortably, and his family and himself enjoyed it.

During his stay in the hills he was accorded every courtesy; taken into and through the Homestake, and given opportunity to inform himself of the resources and the improvements that had been made. He was greatly interested, and in an address delivered to a large body of citizens at Central, on the 31st of July, he spoke in part, as follows:



NEHEMIAH G. ORDWAY

Seventh governor of Dakota Territory, 1880-84





My Friends. I have visited your mines and examined every one of your mill. I have visited spacious chambers glistening with gold. I have watched the sturdy miner as with his candle he felt his way he widdled the pick, or shovel, and ~~coming home and home~~ ~~which~~, falling into a car, was carried to and passed through the mill. I want to say right here that in all my experience I have not heard one word of dispute or dissatisfaction between the men and their employers, and I attribute this harmony to a belief upon the part of the employers that the laborer is worthy of his hire. (Applause.)

I have trod the marble halls of the nation's capital for twelve long years, and let me say right here that if I can believe all that is told me in connection with what I have seen, that there is more wealth in one of your many mines than has been expended in that noble building to which I have referred, and which in part belongs to every citizen. (Applause.)

The wealth of these mines is untold. Mining in this region is only in its infancy. From my examination I am satisfied that capital is as safe when invested in mills and machinery for the reduction of your so-called low grade ores, four to ten dollar ore, as it is when invested in cotton goods and staples, and I shall so assure the people in the East when I return or write them. (Applause.) The mines in the Black Hills do not rest on a fictitious basis. They have not been floated on the New York or any other market. The people throughout the country see and feel that the honest management of your properties is in their interest—that the mines do not rest on a volcano that may burst at any moment.

The territory, so soon to become a state, was alluded to by the governor, but not with any definite expression of having formed an opinion on the subject. He declared that he was not in the hills in the interest of any party or clique, or for any purpose except to study the interests of the people. And he assured his hearers that he would so conduct the affairs of the territory, "that no man, however humble, can ever say that he pleaded with me for justice and was refused." (Applause.)

The governor remained in the Black Hills, making Deadwood headquarters, for a fortnight, and in the meantime held a sort of gubernatorial court, where the people called upon him to pay their respects and enjoy a brief acquaintance with the head of the territorial government, and in some cases they laid complaints before him, and stories of misconduct on the part of county and city officers, and he also received a number of petitions asking for the pardon of persons who had been sent to the penitentiary from the Black Hills for various offenses. He took his departure from the hills in the forepart of August, going out in a special stage coach at extra speed to Bismarek, where he tarried briefly and met the people in a social way, making most encouraging comment on the wealth and grandeur of Dakota, and from thence he went across to Fargo, where he made quite a sojourn, and was given a notable reception, at which he took occasion to make a brief address in which he highly eulogized Dakota, spoke enthusiastically of the fertility of its soil, especially that of Northern Dakota. During his stay he visited the famous Dalrymple farm during the wheat harvest, and was finely entertained by the proprietor, who took him over the great farm where he could see over a half hundred harvesting machines in operation. This was one of the most interesting incidents of his long journey. At this time the governor had with him, besides his wife and his son, George L., another young man who had come up from Denver and joined the party at Deadwood; his name was W. B. Tebbetts, a New Hampshire gentleman, who was in business with his son in Denver, and who together with the son became identified with Dakota during the next two years.

The governor's party left Fargo after the Dalrymple visit, and returned to Yankton by way of St. Paul, having had one of the most interesting and adventurous trips they had ever undertaken, and had been royally entertained by Dakotans throughout their entire journey. The governor had arranged for his railroad agricultural exhibit in a North Pacific car, and about the first of September left for the East with his family and Mr. Tebbetts. At Chicago he found his car of Dakota products, which were in fine condition and attractively displayed, and took charge of it. His son George and Mr. Tebbetts, who were partners in business in Denver, separated from the governor at Chicago and returned home. The governor and family, with his car of cereal and vegetable treasures, made his way to New England.

Governor Ordway was an energetic man, and apparently would have been willing to have done something for the territory if at the same time he could feel satisfied that he was promoting his own interests. He came to the territory rather late for a person of his temperament, and evidently discovered that all the positions of leadership in politics had been appropriated by men who had the ability to hold them, and in whom the people reposed confidence. In his quest for something that offered the dual advantages he had in mind, he selected the removal of the capital from Yankton to a more central point in the territory, as the one that promised to be the most fruitful.

The capital was then at Yankton on the extreme southern boundary, and this was in fact about the only disadvantage that could be alleged against it. As the population and settlements were then distributed, it accommodated the people of the territory fully as well, if not better than any other railroad point. There was a sentiment prevalent that a new location would have to be made, but it was held that such location should be deferred until the important question of dividing the territory on the 46th parallel of latitude should be settled, and the new communities then forming in every section of the territory had become fixed and established.

Governor Ordway was not a divisionist, though for prudential reasons probably he held this opinion in reserve until the progress of events disclosed it. His original plan, as stated by himself to the surveyor general of the territory, and substantially repeated to the Legislature in his message, was the selection of a site on the public lands in the central portion of the territory, and enter it, with the consent of Congress, if necessary, for capital purposes, and then dispose of the lots and squares, and with the proceeds erect a capitol building and make other improvements.

#### DAKOTA AND THE TARIFF

The governor never manifested the slightest interest favorable to division. The sentiment of New England which apparently influenced him to some extent was not favorable to two states from the one territory, and this sentiment was quite prevalent among the leading men and journals of the extreme East. The New England and eastern sentiment was apparently hostile to two states from Dakota because of the increase of voting strength it would give the West in the Senate. The West had been exhibiting symptoms of hostility to the high protective policy of New England and the eastern states where the people were largely identified with manufacturing interests, and found a high protective policy beneficial and profitable, while the agricultural West was inclined to favor a modification of the tariff in the interest of the great and growing producing classes who were peopling the agricultural West, though acting in consonance with New England in its fealty to republican principles. The sentiment of the West favored a lowering of the scale of duties on the manufactured articles it was compelled to purchase from the East, and additional protection on agricultural products that came in competition with imports from foreign countries. In other words the West was strongly inclined in favor of such a modification of the tariff as would result in equalizing its benefits.

Ordway, though governor of Dakota, never ceased to be a New Englander, and it cannot fairly be claimed that he ever became an actual resident of Dakota. He may have contemplated becoming one when the capital had been definitely located. At that time the great Sioux Reservation spread over a large area of Western Dakota, and promised to remain in that condition indefinitely. The Northwestern Railway Company was building its branch north from Huron to a point in Brown County, on Elm River, where a town had been located and named Ordway. It was not far from the James River. It was quite central, as the settlements of the territory were forming north and south, and it was spoken of as the future capital. Had the plan of securing the favor of Congress for a land endowment for capital purposes succeeded, then would have come a demand for the admission of Dakota as one state.

## CHAPTER LXXXIII

### A NOTABLE YEAR FOR RAILROAD BUILDING

1880

SIoux INDIANS VISIT CARLISLE INDIAN SCHOOL—"BROTHER OF ALL" SPEAKS—INDIANS CELEBRATE THE FOURTH OF JULY—WHITES INVITED TO A DOG FEAST, AND WERE OBLIGED TO DECLINE, HAVING ALREADY EATEN TO THE LIMIT—INDIANS DISPLEASED BUT CONDONE THE OFFENSE—SECRETARY SCHURZ TELLS OF CONDITION OF DAKOTA INDIANS—HE MAKES AN EXTENSIVE JOURNEY—TERRITORIAL POLITICAL CAMPAIGN—BENNETT, PETTIGREW AND RAYMOND CANDIDATES—DEMOCRATS NOMINATE MCCORMACK—PETTIGREW ELECTED—A DALRYMPLE WHEAT FARM—BLACK HILLS SALT SPRINGS—BRAMBLE, MINER & COMPANY—THE LAW OF COUNTY ORGANIZATION—HUGHES COUNTY—DAKOTA LOSES TODD COUNTY TO NEBRASKA—DEAF AND DUMB INSTITUTE AT SIOUX FALLS—RAILROAD BUILDING THROUGHOUT THE TERRITORY—LAWLER DISCOURAGES A LINE FROM CHAMBERLAIN TO RAPID CITY—THE NORTHERN PACIFIC—MANDAN AND BEYOND—THE YEAR 1880 NOTABLE FOR RAILWAY CONSTRUCTION—DESCRIPTION OF NORTHERN DAKOTA "BAD LANDS."

#### INDIANS VISIT WASHINGTON AND CARLISLE

Late in May, 1880, a large number of Sioux Indian chiefs, representing all the tribes of that nation, except possibly the Sissetons, paid a visit to Washington and also to the Carlisle Indian School in Pennsylvania. In Washington they expected to make an agreement to grant the right of way across their reservation to the Chicago, Milwaukee & St. Paul, and also to the Chicago & Northwestern Railway companies, for a line from the terminus of these roads on the Missouri River to the Black Hills, and at Carlisle they would visit the Sioux Indian children there at school. There were thirty-eight Sioux chiefs in the party, nearly all of them, as follows: From Fort Berthold, Son-of-the-Star, Poor Wolf, Peter Beauchamp, and John Smith. From Standing Rock, Two Bears, Big Head, John Grass, Thunder Hawk and Louis Primeau. From Cheyenne Agency, Bull Eagle and Charger. From Crow Creek, Brother to All and James Bowed-Head. From Rosebud Agency, Spotted Tail, Two Strike, Iron Wing, White Thunder, Black Crow, John Bridgman. From Pine Ridge, Red Cloud, Red Dog, Little Wound, Red Shirt, American Horse, and Louis Robideau. Lower Brule Agency, Medicine Bull and Mad Bear. From Yankton Agency, Strike-the-Rec, Jumping Thunder, Philip J. Doloria, David Taliapo.

The Indians came to Yankton by steamboat from the Rosebud rendezvous near the mouth of White River, and at that point took the cars for their destination. Strike-the-Rec was the oldest man in the party, over eighty years of age, and appeared quite feeble. He had made many trips to see the Great Father, but it was evident that he was not expecting to make many more, possibly he realized that this was his final visit. He was greatly esteemed in Washington among the Government officials for his life-long friendship for the white race.



The entire party visited the Carlisle School, at which 176 young Sioux Indians, of both sexes, were being educated with a view to their civilization. The visitors were generally satisfied with the management of the school, and expressed their gratification and surprise, amounting almost to astonishment, at the progress being made by their children, and nearly all the families of the chiefs were represented among the pupils. After the visitors had witnessed the exercises in the several schoolrooms they were conducted to the chapel connected with the institution, where Spotted Tail made a speech in his native tongue, which appeared to be unanimously approved by his brothers in the royal line of chieftainship. He lauded the National Government for the good it had done the Indian people, and said that the trust and confidence reposed in the young people would bear good fruit. He said they all wanted to be civilized, and in order that their children might learn useful arts and become industrious citizens, their parents had consented that they should go to the Carlisle School. As the dignified chief approached the close of his speech, he counseled reform in one of the regulations adopted at the school providing for imprisonment in the guard house of refractory pupils. Allowance should be made for their tender years. He had learned that a number of boys had been subjected to this humiliating treatment. The Indian children had not been given up to be treated as ill-behaved soldiers, and they were not slaves, either. He thought a school ought to be established at the old Ponca Agency, where the children would be near their homes, and could be more frequently visited by their parents, and asked the two Episcopal clergymen present to assist in the accomplishment of the project.

Captain Pratt, in charge of the institution, explained that pupils had been committed to the guard house, but not until a Committee of Inquiry, consisting of Indians, had decided the punishment necessary. Among those placed in the guard house recently was one of Spotted Tail's sons, who had been fighting, which somewhat incensed the father. During their stay the chiefs visited the blacksmithing, the saddlery, shoemaking, tinsmithing, and carpentering departments, in which a large number of the pupils were employed at certain hours, all of whom were making encouraging progress. In the evening the interesting ceremony of confirmation was celebrated at the church, when twelve of the young Sioux were admitted to the Protestant Episcopal Church as members. Among them was Stay-at-Home and Talks-to-the-Bear, both sons of Spotted Tail, and Cut Ear, and the Bear-that-Don't-Run, sons of American Horse.

The party remained at Carlisle several days and then were to visit Hampton, Va., where another training school was in progress.

The first school for the education and training of Indian children away from their Indian homes or agencies, was founded at Hampton, about 1875, by the same Captain Pratt who was in charge of Carlisle. It had been a project that had enlisted his attention and energies for a number of years. His first pupils at Hampton were from Florida, seventeen in number, which he gathered together and took from St. Augustine to Hampton himself. Additions were made to the number quite rapidly, the pupils coming from all the tribes, including the Sioux. The institution at Hampton reached a very flourishing condition, and its increasing attendance and prosperity induced the establishment of the Carlisle School. At the time this party of Sioux were there the institution had among its scholars representatives from nearly all the Indian nations, including the Sioux, Cheyennes, Arapahoes, Kiowas, Comanches, Poncas, Pawnees, Nez Perces, Wichitas, Seminoles, Menominees, Iowas, and Sacs and Foxes. The facilities provided at Carlisle would comfortably care for and educate 300 pupils, and the expense of maintaining and instructing that number would not exceed sixty thousand dollars a year. The Sioux at Carlisle were among the latest pupils received, but had been received in such numbers that they already greatly outnumbered the pupils from all the other tribes.



RICHARD F. PETTIGREW

Came to Sioux Falls in 1869. Territorial legislator, delegate to Congress in 1881 and first United States senator from South Dakota.



All the young craftsmen, those who were learning trades in the mechanical department took great interest in their work, and evinced considerable skill, indicating that the Indian will be able to contribute somewhat to industries other than those purely pastoral or agricultural. Captain Pratt felt confident that his tin-smiths will be able to supply the Indian Bureau with all the tinware it needed, and the saddlery department was also looked to as one of the branches that would contribute largely to the support of the institution. One of the little shoemakers sent home to his Sioux father, a pair of new boots that the boy made expressly for his parent, and had made a good job of it. Pratt did not support Spotted Tail's idea of a school at the Old Ponca Agency. He based his opposition on the tendency of the Indian children to run to their homes on the slightest symptom of homesickness, and the corresponding inclination of parents to throng the school with frequent visits, greatly retarding and demoralizing its efficiency. The Sioux chiefs who could communicate by telegraph with their people at home, were given the privilege of sending dispatches from Carlisle. Red Cloud telegraphed: "Talked with school children. All happy." Spotted Tail sent, "Talked good words to children. All happy."

#### BROTHER-TO-ALL SPEAKS

"Brother to All," who is mentioned in the list of these Sioux chiefs, may not have been a chief, but he was a very enlightened Indian, solicitous for the future of his race, and did whatever he could to encourage them as well as promote his own progress along the lines of securing the advantages of Christian civilization. After his return from Carlisle he held a meeting at Crow Creek and recounted the incidents of his trip to his brethren. He had seen little of civilized life in the civilized portion of his country, and his story will prove quite pleasing to the reader, hence it is here given:

Friends. I have asked you to meet me here today to hear from me what I had seen and done while I was in the land of the palefaces. The Great Father had called me to come to him and see for you what the white man's teaching was doing for our children. I went to the river and stepped on the steamboat which was to carry us to Yankton. This boat is one of the things of the white man. It has a monster within its bowels which turns a wheel and pushes the boat along on the water much faster and longer than our ponies can carry us. The smartness of the white man has enabled him to catch these monsters and use them for his own purposes, just as we train our ponies. The monster is angry that he should be held down, and he groans and snorts in angry defiance, while he sends out from his nostrils fire and smoke. So we came to Yankton and rested, and then were placed in wagons that ran on iron rods, ever so much faster than the boat in water. Houses, trees and animals all seemed to be joined together, and it was hard for us to learn to tell them apart. In some places the houses were strung along, each by itself, but at times we came to places where there was nothing but houses. I could not have believed without seeing that there were people enough in the world to put up so many houses. All the way to the house where the great chief lives it was full of houses and people, and in the roads made in the great towns there were so many people that we held on to one another, for we feared we should be lost to each other if once separated. I do not know where so many people can come from, and I did not know how they could get enough to eat. But I soon saw that all these people worked in big houses or in the fields. Some of them gather up rags, dirty and torn, and carry them to a big house and put them in water, and there are wheels that go round and round, and by-and-by there comes out paper made from these rags. [Here the speaker exhibited rags in one hand and a sheet of white paper in the other.] In another big house they send men to the mountains, and these men bring back dirt, which is thrown into a big pipe and set on fire, and a red stream flows out, which is all one mass of fire. It falls into holes made of sand. This stuff they make into knives, axes and all sorts of things. [Here he showed a piece of iron ore.] We went to other houses where they made plows, tubs, buckets, nails and more things than I ever saw before in my life. We went to the great schools where they send Indian children. They have large houses to put them in, and enough houses to hold all our band. The houses are built of bricks, which are mud-baked in the fire and then laid on the top of one another with some soft mud to make them hold together. Some houses in the towns are high up to the sky. I should be afraid to live in them. They seem to want to fall down. The children at the schools have teachers, and wear good clothes like the white men's children. They have plenty to eat and nice beds to sleep on. They read from books and are smart. Sometime they will be as smart as white men. The white people treat them well and are glad to do them good.



Friends, I tell you we must live like white people or we shall live no longer. The time will come when we shall be crowded, white men grow so fast in numbers. They must go out where there is more land. Then we will have no game to hunt. You can remember when we had plenty of buffalo; now we can see none. They are too far off. The antelopes are scarce, and we must depend on the Great Father for clothes to warm us in winter. No deer or wolves hardly where they were as plenty as grass. So we can see how soon we shall be in a bad way unless we help ourselves. A few years ago none of us worked; now our men farm a little, but not many. We must break our land, and plant more seed, and have enough to feed us. We need call on the Great Father but a little while longer. We have a good man to take care of us; we have plenty to eat, and he builds houses for us. He gives us plows, and wagons, and reapers, and mowers. But soon the white men may not give him these things. They will get tired of giving us oxen, if we do not learn to take care of ourselves. We must not hide away because the sun is hot in summer, and because in winter the snow comes. The white people work all the time. Some of our old men cannot do these things, but our young men may, and if they do not they must starve. I have talked a great deal to our agent about these matters. He feels for us and I know that what he says is for our good.

I could talk all day about what I have seen, and not tell you nearly all. I could see more things in an hour than I could tell of in a day. Why, the white man has paper he sends off on the iron road that tells everything that happens. They just put a piece of white paper between two iron rollers and by-and-by this paper comes out with all the things in it that happened in the world the day before. What country I saw is not the whole world. Our fathers used to think there was no country but theirs. So I thought I had seen the whole world while I was away, but some of our young men at the schools told me it was not so, and that many miles away over big waters there were other worlds as big as what I saw, and more people. They told me that to go from one end of this country to the other end would keep an Indian on his pony all the time for 600 days. They took me to a place where there was a hole in a box and put a string with a knob at the end into my hand, and then told me to whisper in the hole and put the knob to my ear. I did so, and heard songs sung and people calling. They told me the noise came on the string a great many miles. I did not believe it, but one of our young men at the school said it was true. Then they had a box a man would talk to, and by-and-by this talk would all come back again out of the box. I know this was so, because I talked my language into it, and it all came back again out of the box. The white people told me if we would be patient and have our children taught up like theirs that our people would be able to do like them. I think we had better think about these things and go to work. The Great Father will help us if we show we want to work. It is too late for us old men to hope for much, but the rest can do much and will be better off. The white man comes to our country and takes away much money. I do not see why we cannot do it, too. I want you to think about what I tell you and not forget it. I want the chiefs and old men to tell their young people the time for dancing and singing and painting is over, and they must go to work. There is plenty of land, plenty of plows, plenty of oxen. It is better to work than to run around with a blanket over your head, and a war club in your hand, or a gun. You cannot scare people any longer. The white people have too many soldier men, and they make too much powder and shot. If we want plenty we must work for it. If not, then we must go hungry and die. How?

The Indians seemed much impressed at this speaker's words. The earnestness of the speaker seemed to arouse them from their customary or habitual torpor, and his words were frequently punctuated by grunts of approval. It was evident from the change which came over a number of the Indians that the wise advice of "Brother-of-All" had found a lodgment in the minds of many of his people.

On their return the chiefs were accompanied by the following named Indian children from the school at Carlisle, Pa., who came home on a visit: Isaac Mandan, Agnes Place Together, Sarah Washta, Rosa Lay-out-of-Doors, Herbert Yellow-Sack, Thomas He Bear, Arnold Runs-after-the-Moon, Frederick Cloud Bull, Bennett Singer, Walter Bull Man, Ida Shoes, Emma Plenty Aunt, Agnes White Cow, Theron Passes-Through-Enemy. Spotted Tail brought his five children back having taken them out of the school because he was displeased with the management.

#### INDIANS CELEBRATE THE FOURTH

There was a formal celebration of the 4th of July, 1880, at the Crow Creek Agency, gotten up and participated in by the native Indian largely, which was claimed to have been the first occasion in the case of the Sioux Nation that our independence anniversary received from them any recognition, and the first



INDIAN WAR DANCE, FORT THOMPSON,  
1877



BANNOCK PRISONERS CAPTURED BY  
GENERAL MILES, 1879



COUNCIL WITH MEDICINE BEAR, 1879



occasion when any number of the Indians appeared to understand the significance of the day, and why whites observed it with firing of guns and hoisting of flags, and other demonstrations of pleasure and rejoicing. At Crow Creek the Indians seemed to have sufficient comprehension of the meaning of the occasion that after decorously attending the formal ceremonies, and listening apparently to the "cheap talk" that was a part thereof, they gave themselves up to revelry, with fire-crackers, pistols loaded with a small load of powder, running races afoot and on pony back, sometimes a foot racer outrunning his pony mounted competitor. The oration was a very happy conception, short and to the point, and was all interpreted to the five hundred or more Indians gathered at the agency, which was known by the postoffice authorities as Fort Thompson. It was delivered by Mr. J. C. Beveridge, the assistant agent, the agent, Captain Dougherty, having gone to Mitchell to hear Governor Ordway's oration. Mr. Beveridge said:

**Chiefs, Braves and Friends:** We are gathered here today to celebrate the anniversary of American independence. On this day, 104 years ago, our forefathers rebelled against a tyranny rendered odious to them by the British government by declaring their entire independence of any nation or people by themselves. After long and bloody battles they were acknowledged as a free people. Your connection with the occasion arises from the fact that at a period far remote the same oppressive despotism had striven to fasten claims upon you, and it was not until the establishment of the republic of the United States of America that you received treatment as men and equals. The system devised by our forefathers has eliminated in the grand scheme which virtually recognizes you as citizens, and clothes and feeds you. No more the cry of hunger leaps from your empty wigwams; no more the fierce blasts of the windy winter assails your naked limbs. The bounty of a thoughtful people has filled your houses with supplies, and your stomachs with the choicest viands of the season. It behoves you, then, to enter with heartiness and joy into the celebration of the epoch of American freedom which has lit the torch of liberty throughout the civilized world. Hereafter your children and your children's children, as their grandfathers before them, will receive on the annual remembrance of the greatest achievement upon the records of the world. Peace and prosperity are upon us. The great nation against which our fathers raised the sword is now our greatest friend. You now rest in your homes like white men, and forget your own efforts to hurt the hand which has sought to feed and to Christianize you. Let us have peace always.

Many of the Indians responded when the orator had concluded, and the remarks of some of the speakers clearly indicated that they understood there had been a great war between the pale faces across the great water, and those in this country, but it was a long time ago, and their fathers had told them that their fathers had heard about it and some of the old men had fought in the war. This was getting hold of an Indian tradition that our histories of 1776 fully confirm. A grand dinner followed the intellectual exercises in which every Indian was made to understand that he was the guest of the Great Father who won independence and plenty for the red and white races. And the Indians and their wives and daughters and little ones ate, some with knives and forks, and some with anything they could get hold of with their hands, and shouted "How," every now and then, and when the "How" was started it circled around for several minutes.

Few Indians have any conception of humor, hence there was no appropriate after-dinner speeches. The truth was that every Indian was "too full for utterance," literally, and they betook themselves to the shadows of the trees around and rested for an hour or two, when they gathered again and announced to their pale faced brethren that it was now their turn to entertain, and everybody was invited. This occasion was gotten up in fine style, the Indians dressed and decorated in holiday attire, women and men, and consisted in some exhibitions of mimic warfare, violent gestures, defiant menaces, yells and more yells accompanied by the yelping of numberless dogs all barking in the same key, and a dance or numerous dances but all alike, to the rhythm of the tom-toms, which were being furiously assaulted by eight sturdy braves, and the never ceasing hi, yi, ki. These festivities lasted until long after dark, when the lamps were lit or the Chinese lanterns rather, and the grand celebration terminated with a genuine



fat dog feast, to which the pale faces were cordially invited, but these explained that they had eaten to surfeiting in the afternoon, and could not eat, but if they could eat, a dog feast would meet every requirement. Thus the affair was ended.

#### SECRETARY SCHURZ'S ANNUAL REPORT

In his annual report to the President regarding affairs in his Department of the Interior for 1880, Secretary Schurz gave the condition of the Dakota Indians, as follows:

During the present administration the agricultural labor of the Indians has been more than doubled in quality and value. Figures show that the civilized and uncivilized together cultivated this year 482,738 acres of land, or about one and three-quarters acres of land to each man, woman and child, upon an estimate that the total population is twenty-five thousand. He felt that the agricultural industry would be greatly stimulated among the Indians if they could be assured that they would be secure in the ownership and possession of their lands.

He recommended that Congress provide for the division of farm tracts among the Indians in severalty on their respective reservations, and the issuance of patents to them individually. He also urges the favorable consideration of Congress to his former recommendation that the jurisdiction of the courts of the states and territories in which reservations are located be extended over them, giving to the Indians legal standing in the courts and securing to them the full benefit of the laws.

Last year's experiment of employing Indians as freighters with their own horses has proved to be one of the most beneficent innovations ever made in Indian management. Nearly two hundred freight wagons have been in use by the Indians this year, with the result of saving considerable money to the Government compared with amounts formerly paid for the same transportation of supplies, etc., to the agencies, besides furnishing a civilizing and welcome employment to a large number of otherwise restless Indians.

The number of Indian youth learning trades at the workshops at the agencies has increased from 185 last autumn to 358 this year. The policy of employing Indians as workmen, and even as foremen and mechanics, at the agencies has been continued and extended with great success. Brickmaking has been begun, and houses for the Indians are now almost exclusively built by the Indians themselves. The aptitude shown by the Indians for mechanical work has in many cases been surprising and is considered as deserving of every possible encouragement.

The expressions of anxious desire on the part of Indians belonging to the so-called wild tribes, to have their children instructed in the ways of civilized life, have, it is stated, grown so numerous and urgent that the inadequacy of the means at the disposal of the department for this purpose has become particularly painful. The desire and purpose of the department is to largely increase the present small number of industrial boarding schools for the Indian youth, as day schools at the agencies do not withdraw the pupils from the influences of home surroundings sufficiently to facilitate the change in their habits of daily life.

The organization of a police force, consisting of Indians, at the agencies has a remarkable civilizing tendency. This has been put in operation at forty agencies. The force now consists of 162 officers and 653 privates. Its benefits, both as a means of maintaining good order and as a moral influence upon the Indian tribes among whom it has been established, are set forth as worthy of special notice.

The secretary remarked that experience had strengthened his conviction, which, as this was his last report, he now felt at greater liberty to express that the management of Indian Affairs should continue to be entrusted to the civil and not to the military branch of the public service. He quoted with emphasis the report of the peace commission of 1878, signed by Generals Sherman, Harvey, Terry and Auger, in which those distinguished officers of the army said:

If we intend to have war with them, the Indians of the United States, the Indian bureau should go to the secretary of war. If we intend to have peace, it should be in the civil department.

Regarding the building of railroads across the Great Sioux Reservation, the secretary stated that the Dakota Central and the Chicago, Milwaukee & St. Paul companies were both making preliminary surveys, with the consent of the Indians and under an escort of Indian police, with the intention of connecting the mining districts of the Black Hills with the Missouri River and the railroads east. Negotiations with the Indians for the right-of-way were then pending, and if a

satisfactory arrangement of compensation could be made it was expected an agreement would be reached in the near future.

Secretary Schurz, during a swing around the circle which enclosed all the northern Indian reservations as far out as the Pacific, in the summer of 1880, returned by way of the Yellowstone and Missouri rivers as far as Bismarck, stopping at Fort Keogh, Fort Buford, and at the Berthold Agency where he met the Mandans, Gros Ventres and Arickarees, Indians who had not been other than peaceful for over a half century, and had made some progress in the arts of civilization.

#### REPUBLICAN TERRITORIAL CONVENTION

The Republican Territorial Convention of 1880 was called to meet at Vermilion on Wednesday, September 20th. The campaign opened with Hon. G. G. Bennett, a candidate for delegate to Congress to succeed himself. He had made a very satisfactory official, though the House during his term was controlled by the political party to which he was opposed. He had by his genial manners and efficiency advanced the good name of Dakota, and reflected credit on the commonwealth. Hon. Richard F. Pettigrew, of Sioux Falls, Minnehaha County, was also a candidate on the republican side; as was also John B. Raymond, the United States marshal.

Mr. Pettigrew conducted quite a spirited canvass; but the general impression during the earlier weeks of the campaign was that Bennett would be able to "pull through," though it was known that the sentiment of Vermillion, where the convention was called, was hostile to Bennett because of the prejudice which existed owing to Judge Kidder's defeat two years before and which gave that county to the democrats in 1878.

John B. Raymond was appointed United States marshal for the Territory of Dakota in 1877. He hailed from Jacksonville, Miss., at the time of his appointment by President Hayes, where he was engaged in publishing a republican newspaper. Mr. Raymond was one of the youngest veterans of the Civil war, and at the close of that conflict he settled in Mississippi. He was a native of Illinois, and at the age of sixteen he enlisted in the Thirty-first Illinois Infantry, Col. John A. Logan's Regiment. In 1863 he was commissioned captain in that regiment. He was then eighteen years old and the youngest captain in the western army. He was soon after detached and assigned to duty on the staff of Major General Force, of Ohio; and within a month was transferred to the staff of Major General Leggett, also an Ohioan, where he remained to the end of the war, when he took up his abode in Mississippi and participated in the turbulent events which accompanied the reconstruction of that commonwealth. Both commanders above named were among his ardent supporters for the marshalship, and the President also favored it as in line with his policy to select southern republicans for responsible civil positions, as witness the appointment of Hugh J. Campbell of Louisiana or Arkansas to the United States attorneyship for Dakota a little earlier.

Pettigrew's Shibboleth was "Dakota for Dakotans," and there was magnetism in it. It made an issue wherein he had all the advantage, while it appealed strongly to the farmer class—to those who prided themselves on coming to Dakota to make a home, and not to hold a fat office. Both of his competitors had come to the territory with federal commissions. Pettigrew had advantage also in having two competitors, both strong men before the people, and the partisans of both not personally unfriendly to himself; but aggressively fighting for their favorite. In this situation was the element of Pettigrew's strength that probably gave him the victory. Bennett and Raymond had both come into the territory with federal commissions; Bennett as judge in 1875, and Raymond as marshal in 1877. Pettigrew went before the people with two questions, namely:

1. Whether they were not able to govern themselves without the aid of a knot of politicians at the capital—Yankton.

[Yankton was for Bennett.]

2. Whether the territory had not better, for a while at least, try the experiment of selecting their officers and representatives from those of the citizens who had, beyond question, come here to make Dakota their home.

The campaign preliminary to the holding of the convention was vigorously contested, and enlisted much more interest than the campaign following the nominations. The candidates were all well known, and each evidently possessed about an equal share of public confidence. Delegate Bennett, who was then the incumbent of the seat in Congress, appeared to have the lead before the people when this preliminary tussle began. There was not a weak spot in his armor except the old grudge born of the doubtful nomination two years before. He had been an industrious and efficient delegate and stood well at Washington. Mr. John B. Raymond was also popular, but he was also tainted with having come to Dakota later than Bennett, as a federal official and was then holding the position of United States marshal. Mr. Pettigrew was a pioneer of modern Sioux Falls, a successful business man, of untiring energy and good ability. Raymond's candidacy was not well advised—it was premature; but if he had kept out of the contest Pettigrew would probably have lost, for Raymond weakened Bennett in the Black Hills and in North Dakota much more than he did Pettigrew.

Pettigrew came in 1870 as an emigrant from Wisconsin with the laudable purpose of becoming a citizen of the territory and to aid in its development. The others came to hold an office, draw a good salary, and when their terms expired might do as other federal officials had done, though not all, return to their eastern domicile. This sort of a "battle cry" was popular, and won the good will, if not the entire support of thousands of homesteaders and working people. It enabled Mr. Pettigrew to start his campaign on a substantial basis—to vindicate the prior claims of the actual citizen—the Dakotan who was one for the purposes of making a home and developing the resources of the country, in preference to the one who would not have been here had he not been allured by the advantage of a federal office. Bennett and Raymond divided the majority. Raymond had Northern Dakota for sectional reasons; and Bennett had a substantial following among the people generally on his merits, and he also had the Black Hills, where he resided, but not aggressively, though two years before the Black Hills secured his nomination. Raymond with his marshal's patronage, had made a host of friends among the miners and citizens there, who were actively supporting him; still Bennett was generally conceded the support of the hills.

There was unusual activity in 1880 in every part of the territory where there was anybody to enact activity. Immigration was not out of sight for a day, streaming into every section; the Chicago & Northwestern Railway Company was building across the territory to Central City (Pierre), on the Missouri, and from Huron north into the wilderness. The C. M. & St. Paul was building to Chamberlain; and from Mitchell north; also from Ortonville, Minn., through Dakota to the James River and beyond. The Southern Minnesota was building to Sioux Falls down the Sioux from Flandreau, and extending its line west toward Woonsocket. The North Pacific was building from Casselton north; and James J. Hill was extending his Manitoba system from Wahpeton to Casselton. The North Pacific was also building north from Fargo to Grand Forks and beyond. The same continental road was extending from Bismarck west to the Pacific, and the iron horse was snorting and piping west of the Missouri in the northern portion of the territory. The Black Hills were yielding abundantly from their mines of precious metals; the grain fields in the north and in the "cow counties," were arrayed in the garb of plenty; while Pettigrew was making his first effort to get to Congress, and he was not only busy himself, but he managed to keep the two other candidates busy. These were the larger objects that gave interest to the passing time—any one of which would have been notable



in a preceding ordinary year. A President of the United States was also to be chosen, and though Dakotans had no voice or vote in the election, her people carried torches and banners in parades, and shouted enthusiastically for their favorite candidate.

Mr. Pettigrew had not won the prize when the nominating convention assembled. Bennett was the strongest candidate, but Pettigrew was best prepared for the emergency which followed. He had had the most strenuous opposition of any of the candidates, and a natural result of this was that his supporters were not willing to accept any compromise that did not give them the candidate.

#### PROCEEDINGS

The Territorial Republican Convention was called to meet at the City of Vermillion on Wednesday, September 1, 1880, to nominate a candidate for delegate to Congress. The convention composed of delegates, assembled at the time and place appointed, and met in the Clay County Bank Building. It was called to order by the chairman of the Territorial Committee, Hon. Alexander Hughes, of Union County. John S. Stoyell, of Burleigh County, was made temporary chairman, and Charles Moody, of Lawrence, and C. F. Mallahan, of Union, secretaries.

On motion, Chairman Stoyell then appointed the following committees:

On Credentials—J. D. Patton, Lawrence County; Judson LaMoure, Pembina; C. T. McCoy, Bon Homme; Robert MacNider, Burleigh; W. M. Cuppett, Lincoln.

On Rules—H. E. Miller, Cass County; George Walsh, Grand Forks; D. C. Thomas, Deuel; Dr. J. A. Harding, Lawrence; J. W. Carter, Lincoln.

On Permanent Organization—C. H. Winsor, Minnehaha County; S. P. Coe, Barnes County; Newton Porter, Traill County; V. P. Thiellman, Turner County; James Carney, Lawrence County.

On Resolutions—E. W. Caldwell, Minnehaha County; F. N. Burdick, of Clay County; Porter Warner, of Lawrence County; Alex. Hughes, of Union; and E. P. Wells, of Stutsman County.

After recess, the Committee on Credentials made the following report and named the following persons entitled to seats in the convention from the counties named: Armstrong County, M. T. Woolley, 1; Barnes, S. B. Coe, J. Weiser, 2; Brookings, W. H. Skinner, H. H. Sedgwick, 2; Burleigh, A. MacNider, M. J. Edgerly, John S. Stoyell, 3; Bon Homme, C. T. McCoy, W. C. Grant, B. R. Wagner, E. Shupe, W. Borsche, 5; Brule, E. M. Bond, 1; Brown, John Haire, 1; Beadle, Daniel Bell, 1; Clay, F. N. Burdick, Wm. Elliott, J. P. Waustland, M. Newton, Lewis Gamberg, R. Maston, 6; Custer, Patrick McHughes, 1; Codington, Wm. McIntyre, R. B. Spicer, 2; Cass, J. E. Haggart, W. H. Corey, Ole Horgen, H. E. Miller, A. T. Tuttle, O. J. Olsen, J. J. Brooks, 7; Charles Mix, F. M. Baker, 1; Deuel, H. H. Herrick, W. H. Donaldson, 2; Davison, Geo. A. Johnson, 1; Grant, David Faribault, S. W. Simmons, 2; Grand Forks, Geo. H. Walsh, John Padden, J. R. Church, Newton Porter, W. G. Woodruff, 5; Hanson, James Baynes, 1; Hutchinson, John E. Maxwell, J. C. Boyles, J. H. Swanson, 3; Hamlin, Walter Abbott, 1; Kingsbury, V. V. Barnes, 1; Lake, W. F. Smith, P. Zimmerman, G. F. Tuttle, 3; Lincoln, J. W. Carter, T. J. Thornstad, W. M. Cuppett, A. B. Wheelock, F. A. York, Thomas Wright, G. W. Moody, 7; Lawrence, Edwin P. VanCise, Porter Warner, Chas. H. Enos, C. V. Gardner, R. D. Jennings, William Thompson, Henry O'Connor, Jr., P. O'Grady, Iver Miller, J. C. Wilcox, F. C. Silkinson, John Johnson, S. E. Forsha, Nathan Colman, Sol. Star, Wm. H. Parker, R. D. Kennedy, E. E. Cunningham, R. E. Grimshaw, F. M. Allen, J. A. Harding, J. E. Patton, J. E. McKenna, James Carney, Chas. C. Moody, 25; Minnehaha, E. W. Caldwell, C. B. Vincent, T. R. Kershaw, A. M. Hagg, A. Thorne, C. H. Winsor, J. R. Jackson, A. F. Sloan, John Langness, 9; Moody, D. S. White, Levi Gray, B. W. Brayton, O. S. Husehoe, 5; McCook, H. H. Pierce,



J. F. Horton, 2; Morton, M. C. Jacobs, John S. Warren, 2; Pembina, Judson La-Moure, P. A. Gatchell, John Olton, 3; Pennington, Frank P. Moulton, G. W. Grant, N. P. Cook, W. W. Smithson, Folsom Dow, J. C. Pyatt, 6; Spink, C. H. Meyers, 1; Stutsman, E. P. Wells, 1; Turner, V. P. Thielmann, G. W. Marshall, H. Snyder, T. B. Martins; Traill, Peter Herbrandson, J. R. Age, John Amb, George Wilson, J. W. Morley, 5; Union, Alex. Hughes, John Dahl, Ira Ellis, J. G. Merrill, D. Ross, Arne Johnson, Frank Patterson, Lewis Johnson, 8; Yankton, Myron Blodgett, Haldor Sater, A. W. Howard, D. F. Etter, B. S. Williams, O. P. Hage, A. W. Lavender, Fred Schnauber, W. B. Valentine, J. R. Gamble, Adolph Mauksch, 11.

Agreeable to the report of the Committee on Permanent Organization, Wm. M. Cuppett, of Lincoln County, was elected permanent chairman of the convention, and E. W. Caldwell, of Minnehaha, secretary. Caldwell declined and Chas. C. Moody, of Lawrence, was substituted, and C. T. Mallahan, of Union County, assistant secretary.

The Rules Committee reported the rules of the national convention, which were adopted. The unit rule included.

The Committee on Resolutions reported as follows:

Resolved, That we join in the general rejoicing of republicans throughout the country over the excellent nominations made at Chicago, and believing the success of Garfield and Arthur to be assured, not alone by democratic division, but by republican union and strength, we urge republicans of Dakota to enter the campaign with zeal and courage that they may share in the national victory.

Resolved, That the principles stated in the platform of the republican national convention be indorsed by this convention.

Resolved, That it is the judgment of this convention that the interests of the people of Dakota would be furthered by a division of the territory upon the forty-sixth parallel of north latitude.

Resolved, That our delegate in Congress be requested to promote the organization of a state comprising that portion of Dakota lying south of said parallel.

Resolved, That we request of Congress such action, either by legislation or treaty, as shall secure the right of way through the Indian reservations to all railroads desiring to build within this territory.

Resolved, That our delegate in Congress be asked to use his influence there to reduce the price of all Government lands within the territory to \$1.25 per acre to actual settlers.

Resolved, That this convention extends to Hon. Granville G. Bennett, our delegate in Congress, its thanks for his faithful and important services to the people of Dakota.

Resolved, That each and every member of this convention will give to the nominee of this convention, whoever he may be, his earnest and hearty support.

The convention then proceeded to nominate a candidate for delegate to Congress, and the first ballot, an informal one, resulted as follows:

For Bennett—Barnes County, 1; Burleigh County, 1; Custer, 1; Hutchinson, 3; Kingsbury, 1; Lawrence, 25; Richland, 2; Spink, 1; Stutsman, 1; Union, 8; Yankton, 11. Total, 55.

For Raymond—Barnes, 1; Burleigh, 2; Armstrong, 1; Cass, 7; Davison, 1; Grand Forks, 5; Morton, 2; Pembina, 3; Pennington, 4; Traill, 5. Total, 31.

For Pettigrew—Brookings, 2; Bon Homme, 5; Brule, 1; Brown, 1; Beadle, 1; Clay, 6; Codington, 2; Charles Mix, 1; Deuel, 2; Grant, 2; Hanson, 1; Hamlin, 1; Lake, 3; Lincoln, 7; Minnehaha, 9; Moody, 5; McCook, 2; Turner, 4. Total, 55.

The formal ballots were then entered upon, and the first one showed no change from the informal test vote.

On the second formal ballot ten of the Lawrence County delegation, one from Burleigh County, and one from Spink County changed from Bennett to Pettigrew; while Raymond gained one from Kingsbury and one from Barnes. The result of the ballot was Bennett, 41; Raymond, 33; Pettigrew, 67. Necessary to a choice, 71.

Then followed a number of ballots up to the sixth without material change, when a motion to adjourn was made but was defeated by Mr. Pettigrew's friends;

another motion for the same purpose carried a little later, by 75 to 66, which latter was the total of Mr. Pettigrew's vote on the last ballot.

The adjournment was for one hour, when the convention again came to order, and the seventh ballot was entered upon. Burleigh County, heretofore for Raymond, changed to Pettigrew on this ballot, which was the signal for a general break all along the line, and when the ballot was concluded Pettigrew had received all the votes except Custer, Hutchinson and Union, which stood for Bennett; while Armstrong and Barnes held out for Raymond. A motion to make the nomination unanimous was then made and carried.

M. J. Edgerly, C. T. McCoy, A. B. Wheelock, J. A. Harlan, and W. G. Woodruff were appointed to report a Territorial Central Committee. Mr. Pettigrew was escorted into the convention hall and made a brief speech accepting the nomination, and pledging his best efforts to serve the territory faithfully should he be the choice of the people at the election in November. The convention then adjourned.

The nomination of Mr. Pettigrew came as a surprise to the people generally, who looked for Judge Bennett's renomination. Mr. Pettigrew himself, however, and his Sioux Valley supporters, had expressed the utmost confidence in the success of the gentlemen from the "pickerel" district, as the Sioux Falls section was known in the political vernacular of that day. And from and after this convention it will be observed that the "pickerel" statesman and his friends had a dominant influence in territorial politics and in the territorial conventions for many years extending beyond the territorial era and well into the State Government. Geo. H. Walsh, of Grand Forks, was made chairman of the republican Territorial Committee.

#### DEMOCRATIC TERRITORIAL CONVENTION

The Democratic Territorial Convention for the year 1880 was held at Sioux Falls, on Wednesday, September 15, at Van Eps' Hall; it was called to order by Frank M. Zeibach, of the Democratic Central Committee, and J. F. Watson, of Lawrence County, was chosen temporary chairman, and Chas. F. Hackett, of Turner County, secretary. The chair appointed the following committees:

On Credentials—S. L. Spink, Yankton; Aleck McKenzie, Burleigh; D. M. Inman, Clay; Abe Boynton, Lincoln; M. H. Day, Bon Homme; Robert Francis, Lawrence; H. A. Piper, Pennington.

On Organization—S. S. Turner, Yankton; James Rosebrann, Lawrence; Charles K. Howard, Minnehaha; Aleck McKenzie, Burleigh; S. Simpson, Bon Homme.

On Resolutions—E. N. Falk, Traill County; Bartlett Tripp, Yankton County; John Quinlan, Burleigh County; W. L. Wilder, Grand Forks; T. J. Webster, Lawrence.

After recess the Credentials Committee made the following report of delegates entitled to seats in the convention: Armstrong County, E. G. Armstrong; Barnes County, J. P. Rogers; Burleigh County, John Quinlan, Aleck McKenzie, Dennis Hennafin, P. Crawford, 6; Brookings County not represented; Bon Homme County, S. Simpson, H. A. Reeves, M. H. Day, 5; Beadle and Brown counties not represented; Clay County, William Lowrie, Jonathan Kimble, D. M. Inman, 6; Custer County, proxy, J. F. Watson, 2; Cass County, a contest from this county was reported and the committee recommended admitting two delegates from each delegation; Charles Mix, M. H. Day, proxy; Codington, Maris Taylor, proxy; Deuel, not represented; Davison County, James S. Foster; Douglas County, W. H. Brown; Grand Forks County, W. L. Wilder, M. L. McCormack, 4; Grant County, not represented; Hutchinson County, H. A. Reeves, proxy, 2; Hanson County, Maris Taylor, proxy; Hamlin and Kingsbury counties, not represented; Lincoln County, Abe Boynton, O. D. Hinckley, J. B. Bertrand; Lake County, W. H. Corson, proxy, 2; Lawrence County, Robert Francis,

J. F. Watson, James Rosebrough, T. J. Webster, 28; Minnehaha County, C. K. Howard, J. G. Botsford, M. Howie, Thomas F. Kelley, W. VanEps, F. Glidden, D. S. Glidden, 6; Morton County, Aleck McKenzie, proxy; McCook, Moody, Pembina counties, not represented; Pennington, H. A. Piper, 4; Richland County, O. H. Wiley, J. A. McCluskey, proxies; Ransom County, Arthur Linn; Stutsman County, John Quinlan; Traill County, E. N. Falk; Turner County, J. W. Turner, R. C. Tousley, Chas. F. Hackett, 3; Union County, M. W. Sheafe, Jr., E. W. Miller, Thos. Rowan, Wm. Gilbert, 7; Yankton County, S. L. Spink, Dr. J. B. VanVelsor, Bartlett Tripp, G. J. B. Harris, L. M. Kee, John McCabe, S. S. Turner, James Taylor.

The Committee on Permanent Organization had not been able to agree and the convention proceeded and elected S. S. Turner, of Yankton, permanent chairman, and Chas. F. Hackett, of Turner County, permanent secretary.

The Committee on Resolutions reported a series of resolutions, which, before being read, were on motion of J. W. Turner, laid on the table until the candidate was nominated.

On motion of S. L. Spink the convention then proceeded with an informal ballot for a candidate for delegate to Congress; Aleck McKenzie and E. W. Miller being appointed tellers. The vote was taken by counties, as follows:

The candidates voted for were H. S. Back, of Cass County; M. L. McCormack, Grand Forks; D. M. Inman, Clay; J. M. Murphy, Black Hills; Bartlett Tripp, Yankton; John Manning, Lawrence; J. F. Watson, Lawrence.

Back received Barnes County, 1; Clay, 3; Cass, 2; Richland, 2; Yankton, 3. Total, 11.

Inman received Armstrong County, 1; Brule, 1; Bon Homme, 5; Charles Mix, Codrington, Hughes, 1 each; Turner, 3; Union, 7; Yankton, 1. Total, 21.

Murphy received Custer, 2; Lawrence, 28; Pennington, 14. Total, 34.

McCormack received Burleigh, 6; Clay, 3; Cass, 2; Davison, 2; Grand Forks, 4; Hutchinson, 2; Lake, 2; Minnehaha, 6; Morton, 1; Stutsman, 1; Traill, 2; Yankton, 2. Total, 33.

Tripp, Lincoln County, 3.

Manning, received Hanson County, 1.

Watson received, Yankton, 1.

A recess of ten minutes followed for consultation, at the conclusion of which the proceedings were resumed; and a motion carried to proceed with the election of a chairman of the Territorial Committee, concerning which there was much interest owing to the influence the chairman of the committee would have at Washington in case the democrats elected their candidate for president; and with this position out of the way the nomination of a candidate for delegate would be less difficult. Two candidates were placed in the field—D. M. Inman, of Clay County, and James Rosebrough, of Lawrence County. A ballot was taken, and Mr. Inman received fifty-eight votes, and Mr. Rosebrough, forty-seven. Inman was declared elected.

The convention then proceeded to take a formal ballot for the nomination of a candidate for delegate to Congress. M. L. McCormack, of Grand Forks, and H. S. Back, of Cass County, were placed in nomination. The vote, by ballot, resulted as follows:

For McCormack—Burleigh County, 6; Bon Homme, 1; Cass, 2; Custer, 2; Douglas, 1; Davison, 2; Grand Forks, 4; Hutchinson, 2; Lincoln, 3; Lake, 2; Lawrence, 28; Minnehaha, 6; Morton, 1; Pennington, 4; Stutsman, 1; Turner, 3; Traill, 2; Yankton, 2. Total, 72.

Back received Armstrong, Barnes, Brule, 1 each; Bon Homme, 4; Clay, 6; Cass, 2; Charles Mix, Codrington and Hanson, 1 each; Richland, 2; Ransom, 1; Union, 7; Yankton, 6. Total, 34.

McCormack's nomination was made unanimous. Addresses were made by the candidate, who was escorted to the hall; also by Hon. S. L. Spink and Hon.



Bartlett Tripp, and Mr. Back, the defeated candidate, who promised the ticket his hearty support with his voice and purse. The convention then adjourned.

Hon. M. L. McCormack, the nominee, was a young merchant of Grand Forks, a very worthy and highly respected citizen, interested in steamboating on the Red River, and possessed of considerable wealth. He had, however, practically no experience in public affairs. He was equipped with excellent business qualifications, and would be apt to fill the office acceptably if he could get it. It was evident that he had been selected by the democratic leaders because of his location in the northern part of the territory. The republicans, in their convention had defeated Raymond, of Fargo, and this was supposed to leave a sting in the breast of the true northern man, who would take pleasure in resenting the outrage at the election. But the plan failed; it seemed to stimulate the republicans to greater energy, and added not a little of interest to the campaign.

McCormack was a business man of good ability, high character, and a democratic leader. He was almost entirely unknown in the southern part of the territory, and there was little expectation that he would prove to be a strong candidate. He had counted on an uncompromising disaffection among the republicans which did not prove of such a serious character as to affect the vote. Politicians were slow to learn that factional differences are seldom serious enough to survive after a candidate is named by a convention, and bolting a nomination frequently taints the political reputation of the bolter, sometimes for life.

The election took place in November and resulted in a victory for Pettigrew by a large majority as shown in the following official table:

Name of County	Pettigrew	McCormack	Bennett
Barnes .....	358	163	...
Armstrong .....	...	...	...
Brookings .....	702	19	...
Burleigh .....	449	813	...
Bon Homme .....	553	438	...
Brule .....	34	29	...
Brown .....	89	...	...
Beadle .....	219	6	...
Clay .....	395	224	157
Custer .....	200	196	...
Codington .....	380	51	...
Cass .....	840	397	...
Charles Mix .....	40	26	...
Deuel .....	321	9	...
Davison .....	290	115	...
Grant .....	566	28	I
Grand Forks .....	604	888	...
Hanson .....	105	83	...
Hutchinson .....	476	119	...
Hamlin .....	176	6	...
Kingsbury .....	454	2	...
LaSalle .....	421	105	...
Lincoln .....	877	170	32
Lawrence .....	2,930	2,482	15
Minnehaha .....	1,950	93	1
Moody .....	537	54	...
McCook .....	243	76	...
Pembina .....	...	597	...
Pennington .....	539	349	...
Richland .....	...	114	...
Spink .....	245	...	...
Stutsman .....	...	155	52
Trail .....	647	284	...
Union .....	686	507	30
Yankton .....	1,095	599	2
Totals .....	17,194	9,343	293

Pettigrew lost 1,124 votes owing to a mistake of the voter in using the wrong initials. In Pembina County there were 483 votes for Frank R. Pettigrew; in



Stutsman County, same mistake, 260; in Lincoln County, 1, and in Richland County, 374. McCormack lost 13 votes cast for O. M. L. McCormack. These imperfect votes were all thrown out of the official canvass. The vote indicated a total population of 150,000.

There was never a time in the career of Dakota Territory when the democrats were strong enough, even-handed to carry the territory. The leaders of the party realized this, and there was, therefore, a disinclination among them to accept the nomination for delegate. It was not known, as a rule, who would be put forward as their candidates, until the assembling of their conventions. Judge Bartlett Tripp came nearest, in 1878, when within less than one thousand votes changed from Bennett to himself would have given him the majority. Armstrong was twice elected, receiving but a small plurality, and on each occasion he had two opponents to divide the vote opposed to him. Some fortuitous circumstances, like the doubtful regularity of Bennett's nomination over Kidder; or the later presumed disappointment of the Northern Dakota republicans to secure Mr. Raymond's nomination, gave to the democrats sufficient encouragement to prosecute a vigorous campaign. They saw a reason for great disaffection in the ranks of their political enemy, but the result would show that party fealty was stronger than disaffection. This the democrats might have learned in the smaller sub-division of the territory, in the counties which they controlled, and which they seldom lost through the disaffection of their people.

#### BLACK HILLS SALT SPRINGS

The fact that the western Black Hills section contained deposits of salt was first ascertained by a party made up of Bart Henderson, G. D. Silliman, Charles Calderbaugh, and J. A. D. Grave, on the eighth day of July, 1877. They were prospecting through the west foothills, and found a small tributary of Beaver Creek which put into the main stream about half a mile below Jenny's stockade, which was quite salt to the taste. Following this stream up, they found a narrow point between the two ravines, about a half acre of which was partially covered with salt springs. These springs proved to be about seventy in number, producing from one to twenty-five inches of water, which by analysis subsequently made, produced about three-fourths of a pound of pure salt to the gallon. The party soon after made a rough experiment by boiling some of the water in a camp kettle, and the result was so encouraging that they moved their camp to the Salt Springs in September following. Mr. Henderson was something of a veteran in the mountains and had with others discovered salt deposits in Idaho, in 1861, knew that they were valuable, and under his counsel and by his direction, the party during the following year had two furnaces built for the evaporation of the water. These furnaces were supplied with two pans each, 10x4 feet, and had a capacity of 1,000 pounds of salt in twenty-four hours. It required  $1\frac{1}{4}$  cords of wood to produce the 1,000 pounds. These salt works were quite crude, and were put up cheaply and simply for the purpose of prospecting the discovery, and also for the purpose of ascertaining whether a salt industry could be made to pay in the hills country. The product of the first large test was therefore taken to Deadwood and introduced in that market and among the people, that its quality might be tested by consumers. The excellent quality of the home-made article was found above criticism when it was tried in the homes and hotels of Deadwood, and the owners of the springs had no difficulty whatever in arranging to supply the Deadwood market; in fact, they were called upon to furnish a much larger field, and in order to do this successfully their facilities were enlarged, the production much increased and a ready market found for all that was produced. A coarser quality was also produced which found a ready sale among the live stock men.

## A DALRYMPLE WHEAT FLEET

A large number of reputable people and many of the newspapers were inclined to shake their heads in doubt of the truth of many of the statements made regarding the mammoth wheat crops produced, especially on the large farms in the northern portion of the territory, notably that of Mr. Dalrymple, but when an investigation was made and the facts revealed it often developed that the reports understated instead of overstated the facts. An instance of this kind came out when a reporter for a St. Paul newspaper succeeded in securing a few words from Mr. Dalrymple, after the wheat harvest of 1880. The reporter desired to know whether the famous wheat king had lost any grain by bad stacking or inclement weather.

"Not a bushel," Mr. D. replied. "The only trouble I fear we'll have will be that we may be compelled to store about a fourth of my crop for want of transportation. I can't get cars enough on the road to carry off my wheat as fast as I can thresh it and get it ready for shipment."

Then the reporter said: "I have seen it stated that it would take thirty-five cars a day for thirty days to carry off your crop."

To which Mr. Dalrymple replied: "Take your pencil and calculate what a tract of land will produce containing thirty-nine sections, or thirty-nine miles long and one mile wide, producing twenty-three bushels an acre. And then calculate 350 bushels to the car load, and you will find that you will require thirty-two cars a day for sixty days to carry away the product, which would amount to 1,250,000 bushels."

There were other "bonanza farms," which included the Stark farm near Bismarek, operated by McLean & McNider, and the Clark farm, seventeen miles east of Bismarek; 44,480 acres owned by Charles Clark, Pittsburgh, Pa., and managed by John Steen. The Steele farm, in Steele County, thirty miles east of Bismarek, embraced 6,400 acres, owned and managed by W. E. Steele. The Troy farm, in Kidder County, owned by Van Deusen & Co., of Troy, N. Y., and managed by John Van Deusen. It embraced 9,600 acres. The Spiritwood farm in Stutsman County, owned by capitalists in England and managed by S. S. Russell, Cuyler Adams and Charles O. Francis, lessees. It embraced 10,000 acres. The same owners had title to about eighty thousand acres of Northern Pacific land.

The yield of wheat from Dakota farms in 1880 was fully up to the average, particularly in the north, where the farming industry was largely confined to the production of that cereal. The farms along the Red River Valley, and those also bordering in the neighborhood of the Northern Pacific Railway, which had been opened for two, three or four years, yielded an average of twenty-five bushels to the acre, and in the country of the James River Valley, and west, it was claimed that the yield was higher than this. In the southern portion of the territory the yield had been to some extent injured by excessive heat in July, but the general average was quite satisfactory, the farmers had made substantial gains from the year's harvest and new settlers kept all the trails to the unoccupied lands warm during the summer and fall. An addition of over fifty thousand had been made to the population of the territory during the year, and by far the greater portion after the federal census was taken in May.

## BRAMBLE, MINER &amp; COMPANY, BLACK HILLS FREIGHTERS

A notable example of an industry that was augmented to great proportions by the opening of the Black Hills and their occupation by an industrial community of producers was that of the mercantile enterprise of Bramble, Miner & Company, which had the distinction of being the first, or having grown up from the first store established in the Territory of Dakota. The firm, or rather the establishment, dated its small beginning in the fall of 1850, when Downer T. Bramble, its senior member, located at Yankton and opened a store for trade

with the early settlers in the first frame building built in the territory from native lumber and by Dakota mechanics, its plastering being a mortar made of the native chalk rock, without any preparation except pulverizing. It was located near the river bank at the intersection of Walnut Street with the levee, and the building itself subsequently, and during the early years of the territorial government, had an important part in the history of its day, being the official and for some the lodging quarters of a number of the territorial officers, including the governor, secretary and the surveyor-general. In 1860 William Miner purchased an interest with Mr. Bramble, and the new firm of Bramble & Miner grew to be the principal mercantile house in the territory during the next ten years. In 1872 the firm, in company with William Borden, built the Excelsior Flour Mill and Elevator, which at the time was one of the largest mills and of greater capacity than any similar institution in Dakota, and has continued in business, much improved and enlarged, to the present day. In 1876, Mr. Borden having died, Mr. Frank L. Van Tassel purchased an equal interest in the store and mill, and the firm became Bramble, Miner & Company. Mr. Van Tassel had been with the firm since 1868 as bookkeeper and clerk, and was well qualified for business.

The opening of the Black Hills was practically accomplished in 1876, though the agreement of the Government with the Indians was not ratified until February, 1877. This event opened a new channel for the mercantile trade, including flour, which the firm of Bramble, Miner & Company took advantage of. A practicable highway leading into the hills was established by the Government from Fort Pierre, and the steamboats furnished a convenient and economical mode of transporting merchandise to that point.

The heaviest shipper at that time connected with the Black Hills trade was the firm of Bramble, Miner & Company, of Yankton, composed of D. T. Bramble, William Miner and Frank L. Van Tassel. This firm had been active in the Black Hills trade since the hills were opened in 1876, and in 1880 their business had grown to large proportions. In 1877 Mr. Bramble went to Deadwood to arrange for the handling of their business at that end of the line, and finding the field so much more inviting than he had expected, found it necessary to make Deadwood his abiding place. The firm owned and operated the Excelsior Flour Mills at Yankton and an immense wholesale grocery establishment. These were operated in connection with their Black Hills freight line, which during the boating season sent its cargoes from Yankton to the Black Hills, transferring from the steamboats to the freight wagons at West Pierre. In 1880 the freight line from West Pierre employed 300 men and 2,000 head of oxen. The capacity of their trains was 700 tons per trip, and it required about a month to make the trip from the Missouri River to Deadwood and return. Over five thousand tons were transported by this line in 1880. The firm loaded twenty-one steamboats at Yankton with Black Hills freight.

In Yankton twenty-three men were employed. The wholesale grocery department was in charge of Mr. Van Tassel, the mills were under Mr. Miner's supervision and the carrying trade was looked after by Mr. Bramble. In connection with their business the firm had taken the tradership at the Yankton Indian Agency, regarded as a franchise of considerable value. The business of this firm for the year 1880 amounted to about a million and a half dollars, and it did not reach its maximum during that year. Its success had been the result of honorable methods and unflinching industry.

One of the most careful, energetic and hustling freighters employed by the Merchants Transportation Company, or Bramble, Miner & Company, in their operations of transportation was Mr. J. T. Daugherty, or as he was familiarly known and called, John Daugherty. Mr. Daugherty was thorough in his equipment, which consisted of some one hundred or perhaps one hundred and forty oxen, and about ten large Schuttler wagons, each with a trailer, and both having a capacity of six to eight tons of freight each, so that it was not uncommon for



his outfit to transport five or six ordinary cars of freight at each trip, the trip occupying some twenty five to thirty days in going and returning, and he had the reputation of always delivering the goods and delivering them in good order, both qualifications being conducive to steady employment and financial gain.

#### COUNTY ORGANIZATION THE LAW HUGHES COUNTY

The territorial law on the subject of county organization was explicit and left nothing to conjecture. The delays in securing county organization were first complained of late in 1880, and Hughes County was the first to utter a protest. A delegate election was impending, the liquor law was being openly violated in the Town of Pierre, there was petty lawlessness prevalent and over one hundred and fifty legal voters in the county. The territorial law on the subject is here given:

Whenever the voters of any unorganized county in this territory shall be equal to fifty or upwards, and they shall desire to have said county organized, they may petition the governor, setting forth that they have the requisite number of voters to form a county organization, and request him to appoint the officers specified in the next section of this act.

Whenever the voters of any unorganized county in this territory shall petition the governor, as provided in the preceding section, and the said governor shall be satisfied that such county has fifty legal voters, it shall be the duty of the governor, and he is hereby authorized, to appoint three persons, residents thereof, county commissioners for such county, who shall hold their office until the first general election thereafter, and until their successors shall be elected and qualified.

The county commissioners of Yankton County waited upon Acting Governor Hand on the 28th of September and presented a formal request that he organize Hughes County. Under the law as it then stood all unorganized counties were under the jurisdiction of Yankton County, being the seat of the Second Judicial District, and Yankton County was put to considerable expense for arresting and trying their criminal cases. Considerable of this character had grown up in the disorganized situation in Hughes County, hence the commissioners desired its immediate organization. The acting governor informed the honorable commissioners that he could not organize Hughes County for the reason that when Governor Ordway left for Washington and for New England with his exhibit he made a special request that the county be not organized until he returned. While the acting governor was clothed with full authority to perform all the duties of governor, out of deference to Governor Ordway's request he declined to interfere. That reason would probably not have justified him in refusing had the matter been taken before a court or referred to the department at Washington.

The County of Hughes was organized in November, 1880, Governor Ordway appointing the Board of County Commissioners, consisting of William P. Leelwich, George L. Ordway and Joseph Reed.

The board held its first meeting about December 1st, and appointed H. F. Dewey, register of deeds; P. W. Gomford, sheriff; F. M. Allen, county treasurer; Ben C. Ash, assessor; Rev. William B. Williams, superintendent of schools; P. Frank McClure, surveyor; Isaac H. West, coroner; W. T. Bullard, justice of the peace; John Caldwell, constable.

#### TODD COUNTY TO NEBRASKA

The following is the full text of the bill introduced in the Senate by Senator Saunders, of Nebraska, for the annexation of a portion of Dakota Territory to the State of Nebraska. It was presented in January, 1886. It marked the beginning of the legislation which ended a few years later in the loss to Dakota of its old pioneer County of Todd, embracing an area of about six hundred square miles:



Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That when the Indian title to all that portion of the Territory of Dakota lying south of the forty-third parallel of north latitude and east of the Keya Paha River, and west of the Missouri River, shall be extinguished, the jurisdiction over such lands shall be, and hereby is, ceded to the State of Nebraska, and the northern boundary of the state shall be extended to the said forty-third parallel, reserving to the United States the original right of soil in said lands, and of disposing of the same; provided, that this act shall not take effect until the President shall declare, by proclamation, that the Indian title to such lands has been extinguished; nor shall it take effect until the State of Nebraska shall have assented to the provisions of this act.

The legal voters of the State of Nebraska, at a special election held for the purpose, voted affirmatively on this proposition, which we should have stated was passed by Congress, and Todd County, Dakota, became a portion of Leau qui Court County, Nebraska.

#### GRANTING THE INSANE HOSPITAL LAND

At the session of Congress in June, 1880, an act was passed granting to the Territory of Dakota the section of school land upon which the insane hospital had been built, and also reimbursing the schools by donating another section to take its place. Following is the law, and authorizes the only grant of land made to the territory, or rather comprised all the landed possessions the Territory of Dakota ever owned:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 36, in township number 56 north, of range 94 west, in the County of Yankton, Territory of Dakota, be, and the same is, hereby granted to the said territory for the purposes of an asylum for the insane; and that there be, and is hereby, granted to said territory one section of land, in lieu of said thirty-sixth section, for school purposes; said section to be selected by the governor of said territory from any of the public lands subject to private sale or entry. Such selection, when so made, shall be certified by the said governor to the surveyor general of said territory and to the officers of the local land office of the district in which such land may be situated; and from the filing of such certificate said land shall be withdrawn from private sale or entry, and shall be held as a portion of the lands granted to said territory for school purposes.

The removal of the capital of the territory from Yankton was agitated after the election in 1880, and there seemed to be a general expectation that the Legislature, which would meet in January, 1881, would attempt to take some action in the matter. The agitation was not more formidable than the opposition, which came from the press and people in the Black Hills and in the "cow counties." It was evident, however, that the prevailing sentiment held that Yankton was too near the southern border for the capital, and that its removal would be demanded just as early as another point more central could be agreed upon.

One hundred families of Hollanders, direct from the old country, settled in Douglas and Charles Mix counties in May, 1882. They were largely farmers, prepared to buy land, and a superior class of people.

#### DEAF AND DUMB INSTITUTION

The private school for the education and care of deaf and dumb people was established at Sioux Falls in 1880 as a private enterprise and with a view of securing recognition by the territory. At the time Dakota's deaf and dumb were taken care of by the Iowa institution for that purpose, with whom the territory had made a contract under the law of February 28, 1879, which provided for the care and instruction of deaf, dumb and blind.

The school was started by Reverend Mr. Berry and Miss Wright as principals and instructors, and was supervised by a board of directors selected from citizens of Sioux Falls, Mr. E. A. Sherman being president. In December, 1880, the directors with the active managers of the school held a meeting for the pur-

pose of promoting the interest of the new educational institution, at which Mr. Sherman was chairman and Mr. Berry secretary. Mr. Berry had devoted much time to the teaching and caring of deaf mutes, and at the opening of this meeting made a brief statement of its purpose, which he declared to be the organization of an institution for the education of the deaf-mute children of the Territory of Dakota, in hopes that it might be taken up by the territory as a charge, and thus become one of the sixty-two public institutions of the kind in the country. Twelve pupils had already applied for admission. The territory was then paying to Iowa \$5 per week for each pupil kept in that institution from the territory, and it was proposed to induce the Legislature, which would meet in a few weeks, to recognize an institution located at home. The immediate emergency Sioux Falls people were asked to provide for was the maintenance of the school at that place until such time as the Legislature could pass a law on the subject. The meeting took such action as was required to provide for the temporary support of the school by the selection of a committee made up of Sherman, Wright and Shaw to visit the business men of the city, and secure the pledges sufficient to provide the necessary funds. The mission of this committee was abundantly successful.

The officers of the Sioux Falls institution had been chosen with a view of enlisting the co-operation of the various sections of Dakota, as will be seen from its roster, as follows: President, E. A. Sherman, of Sioux Falls; vice president, Newton Edmunds, Yankton; secretary, E. G. Wright, Sioux Falls. The board of trustees, including the above names, were: C. A. Lounsberry, Bismarck; O. S. Gifford, Canton; Rev. G. C. Pennell, Deadwood; John O'B. Scobey, Brookings; Vale P. Thielman, Parker; Charles K. Howard and Amos F. Shaw, Sioux Falls.

At the legislative session of 1881 an act was passed declaring "That the deaf and dumb school now in successful operation at Sioux Falls be and the same is hereby declared the Territorial School for the Education of the Deaf Mutes of the Territory." The law provided for the payment, by the territory, of \$5 a week for each pupil in actual attendance; and it also made the law of 1879 a part of the act of 1881, thus providing a code of procedure for obtaining admission to the institution as a pupil.

#### RAILROAD BUILDING IN 1880

The aggressive disposition of the Dakota railway kings was manifested early in 1880. At this time Mr. James J. Hill, manager of the St. Paul, Minneapolis & Manitoba Lines, came quite prominently into the Dakota field in the northern part, while the Chicago, Milwaukee & St. Paul appeared the most enterprising in the southern half. The Milwaukee company, then under Manager Merrill, in the spring, withdrew a portion of its forces from its other work in the territory and began the extension of its line west from Ortonville, Minn., into Dakota. Its rather abrupt action was interpreted as an emergency movement called for by the activities displayed by the Manitoba's lines along the Valley of the Lower Red River. To secure a strategic position in the Valley of the James River, now growing quite rapidly into fame, would seem to have been the object in view by both corporations, and both were aware of the value of having the first choice. The Milwaukee line was known as the Hastings & Dakota, and was projected to the James River, but at what point had not been named. Work on the line was energetically undertaken without delay, and it was rumored that it would also build in a northwest direction into the territory claimed by the Manitoba, reaching to the Northern Pacific.

On the other side the Manitoba had provided for extending its lines west of the Red River, and had purchased 240 miles of steel rails for that purpose. Regarding the reported extensions of the Milwaukee company, Mr. Hill was reported as stating that he had no reason to suppose that the Milwaukee company had any intention of invading the Manitoba territory.

"If they should develop such a purpose," he said, "we feel abundantly able to take care of ourselves. There is plenty of room in Dakota for the Hastings & Dakota to extend its lines, and it would not pay them to encroach on the St. Paul, Minneapolis & Manitoba territory, which our company has made every preparation to occupy. We have 20,000 tons of steel rails, but where they will be put down will depend somewhat upon circumstances."

The Chicago, Milwaukee & St. Paul Railway Company were doing a large amount of work in Dakota Territory, more than any other one corporation, though a number were pushing their highways through the territory. The Milwaukee company had about twelve hundred men employed on about three hundred miles of road. Owing to emergent conditions, believed to have been connected with the aggressive movements of Manager James J. Hill, of the Manitoba system, the Milwaukee's greatest activity was displayed on its Hastings & Dakota Branch west from Ortonville, Minn., to the James River, and branches therefrom. The Hastings & Dakota was being extended from the eastern boundary of the territory at Big Stone City due west for about one hundred miles to the James River, striking that stream about one hundred miles south of the Northern Pacific Railroad. Twelve miles west of Big Stone a branch line, called the Whetstone Branch, was being built in a northwesterly direction up the Valley of the Whetstone River, and reached a point thirty miles from its starting point and about ten miles due west of Brown's Valley between Big Stone Lake and Lake Traverse at the close of the season. It was supposed this line was headed for the Northern Pacific and would entrench upon Mr. Hill's territory, and be apt to call for reprisals.

The grading on the Flandreau Line, from Flandreau to Sioux Falls, forty miles in length, was finished excepting some heavy cuts, but was not ironed entirely until the following year. The line west of Flandreau, known as the Southern Minnesota Division, was being pushed, and was graded forty-five miles to the Vermillion River. Work on this company's line west of Mitchell was in progress, but not energetically pushed. This line was located to the Missouri, and surveys had been made for a distance of seventy miles west of the Missouri pointing to the Black Hills, where work was stopped owing to objections made by the Indians. Mr. John Lawler and the chief engineer, Kimball, were with this Black Hills party. They proceeded to the Rosebud Agency, where they were able to make peace with Spotted Tail's people and arrange for continuing the survey. But Mr. Lawler was not encouraged to believe the company was doing a wise thing in building the line. He afterwards stated that from a point fifty miles west of the Missouri River to Spotted Tail's agency and beyond he would not build a wheelbarrow track for all the traffic the country could afford, even if the Indian title were extinguished, and stated his belief that his company would be doing a foolish thing to build beyond the Missouri. He said the country was a barren waste, devoid of timber, with water and grass not abundant.

The Milwaukee also built what has been known as the Elk Point Cut-off, in Union County, a short line connecting the Yankton line with the Sioux Falls line at a point on the Big Sioux called Westfield, which was a stroke of economy and shortened the Yankton and Sioux Falls journey a number of miles.

The Southern Minnesota Railway was completed to Madison, Lake County, December 21, 1880. The grain elevators along its line were overloaded and the road was unable to furnish sufficient cars to carry away the grain to market.

The Grand Forks Extension of the St. Paul, Minneapolis & Manitoba Railroad had for its objective point Fort Buford, on the Missouri, in 1880.

The Casselton Branch of the Northern Pacific was completed to Blanchard, on the north branch of Elm River, in 1880, thirty miles north of Casselton, and trains were run to that point. The extension from that point to Mayville, on Goose River, eleven miles, was graded and the track laid in the spring of 1881. From Mayville the line had been located for a distance of forty miles to a point on Salt River, forty miles west of Red River.



The Dakota Railroad Company was organized at Bismarck for the construction of a narrow gauge railroad from Mandan to Deadwood. A preliminary survey was made of the proposed route in the winter of 1880-81. The distance between the termini was found to be 230 miles and the highest grade fifty-two feet to the mile.

#### MANDAN AND BEYOND

The extension of the Northern Pacific Railway west of the Missouri River involved more than the building of a great commercial highway to the Pacific, though that enterprise absorbed all of the public interest. It involved the more particular and definite exploration of a new region of our country concerning which not much was known, and that only in a general way. The resources of a vast empire of the Northwestern domain were to be tested, and the question answered from actual knowledge whether the natural resources of the land were such as to invite their development by a highly civilized and enterprising people. We gather from a sketch of the country, which appeared in the Bismarck Tribune in the spring of 1880, a very satisfactory picture of Mandan and the country west to the Yellowstone, with mention of its fossil treasures and something reliable about the mysterious "Bad Lands," pronounced by the highest scientific authority as the most valuable and interesting geological field in the world. The sketch follows:

Mandan as a community has but a brief historical record, but if in future ages some scholar shall arise who can interpret aright the traditions of a rapidly disappearing aborigine it will be found that this locality for ages has been peopled. The site is thickly strewn with the debris of broken pottery, and several mementoes of the Stone Age in the form of arrow and spear heads, and at least one fine specimen of a stone hammer has been found. Mandan is beautifully located in the fine Valley of the Heart River, one and a half miles from the Missouri River, surrounded by fertile meadows and protected on the south by a heavy growth of cottonwood, and buttressed on the north by a partial environment of high, bold bluffs.

It was in the fall of 1878 that the few settlers who had crossed the Missouri and made a scattered community extending along the great river from Fort Lincoln on the south to Square Butte on the north met and organized the County of Morton. In that organization Messrs. E. T. Girard, Elijah Boley and William Nordstrom were appointed county commissioners and George Harmon sheriff, and the county was launched. The commissioners selected a quarter section of Government land, on the plateau one mile north of the village, for county seat purposes, and gave it the name of Mandan. The following winter the Northern Pacific awakened from its long slumber and commenced extending its line westward towards the Yellowstone. It selected the site of the present village for the location of its depot, roundhouse, warehouses, etc., and it being on a railroad section, a town was laid out and called also Mandan. In February of 1879, General Rosser led the track from Bismarck across the river on the ice, and erected the railway boarding house near where the depot now stands. This was the first building put up by the railway company on the townsite, though Major Mitchell, F. H. Girard and Milan Harmon each had claim shanties on the south half of section 27, which now constitutes the townsite. Immediately after the construction of the boarding house the demand for city property became active. A number of enterprising Bismarck gentlemen purchased lots from the railway company, while quite a number of others still more enterprising, occupied the most available business lots without going through the formalities of a purchase. At once the embryo city was the scene of the greatest activity. Buildings sprang into existence with magical frequency, and before the 1st of May, 1879, the new community counted more than one hundred buildings, and the demand was yet unappeased.

The magnificent Heart Valley stretches away to the westward, the stream being fringed with a magnificent growth of ash, oak and cottonwood for more than a hundred miles, or to the Bad Lands. Fort Lincoln is three miles to the south, westward of which lies the magnificent undulating plain locally known as "Custer Flat." This is as fertile a piece of land as can be found in the world, and is broad enough and long enough to furnish desirable homes for 5,000 families. North of Mandan is the beautiful Missouri Valley. Westward, for over one hundred and fifty miles, extends a country as attractive as the sun shines upon. Rolling prairies, drained by streams of pure, wholesome water, springs bubbling to the surface on every hand, groves of timber in all directions, and above all, the entire country, apparently, underlaid with an exhaustless supply of soft coal. In short, the country west from Mandan is all that could be asked for general agricultural and stock purposes.

In February, 1881, the former county organization having been abandoned, the governor appointed Elijah Boley, Lovett Gill and Michael Lary county commissioners, and the new Mandan was made the county seat.



One hundred and fifty miles west from Mandan commence the "Bad Lands," celebrated in story and in scientific reports, which extend from thence to the Yellowstone River along the banks of the Little Missouri. This unique country consists of a succession of immense, barren clay buttes, thrown together indiscriminately. For exclusive agricultural purposes the country is useless, but for the excellent grasses found in the valleys and protection for stock these lands will prove a blessing. Within their confines are found immense beds of coal, some twenty feet thick. Altogether it is fair to predict that there is enough of this fuel to warm all the settlers and their domiciles who are to people the broad prairies of Dakota for a century to come. Already a company had been organized and a coal mine opened thirty-five miles west from Mandan, called the "Baby Mine," with Mr. Thompson of Bismarck as superintendent. This mine, in 1879, took out and sold nearly fifty thousand dollars worth of coal.

#### LITTLE MISSOURI BAD LANDS

The graders of the Northern Pacific Railway through the western part of Dakota, particularly in that mysterious section called the "Bad Lands," found scores of petrified stumps of trees from six to eight feet in diameter. They were encountered in excavations, and removed with much difficulty by blasting. They were hard as adamant, and the blast broke off but a comparatively small piece. One large tree was found, one end of which had been petrified, while the other end had not been disturbed, but remained as the natural wood. The bark on many of the mammoth stumps resembled the pine tree bark, and the petrification the same, indicating that a magnificent pine forest had stood in the valley and had been destroyed by natural forces. In places impressions of leaves had been found in the clay forty feet below the surface. At another point, not on the line of the railway, found by a party of curiosity hunters, what appeared to be a sunken lake was happened upon that gave up a huge skeleton, having two horns, each twelve inches long on the end of its nose, and its jaw was nearly two feet long. The vertebra was of colossal size. Not enough was learned from an examination of the portion discovered to determine whether the animal had been an aquatic or a land animal. Two petrified turtles were also found by this party, weighing about seventy pounds each, and several turtle eggs, also petrifications, were collected. The Bad Lands were found to be a museum of wonders.

A description of this section of the Bad Lands was given out by one of a party who made an exploration of the world famous district during this time. We quote from one of his interesting letters:

The Bad Lands of the Little Missouri in the North Pacific country are about ninety miles long, twenty miles wide, a hundred or more feet deep, and the most wonderfully beautiful country that I ever beheld. Two-thirds of the surface of the country is covered by clay buttes of all shapes and sizes, and from one hundred to one hundred and fifty feet in height, the tops of the higher ones being on an exact level with the plains. The sides of the buttes present all the colors of the rainbow, besides many soft, neutral shades. Masses of rock, varying in size from a market basket to a good sized church, and assuming shapes so fantastic that many times one is in doubt as to what they are, crop out at irregular intervals. Some of these are a vivid red in color, others of a light blue; in fact, the entire chromatic scale is being executed in endless succession, and in tones that never die away. The tops and sides of these rocks are draped with running cedars—a beautiful evergreen creeper, and where, as is often the case, twenty or thirty of them in a huddle appear upon a distant hillside, resembling in every particular an equal number of Sioux Indians, dressed in all the pomp and panoply of new blankets, thirsting for blood and hair, and only deliberating as to whether the travelers below would be better stewed or fried, there is an interest added to the wonderful panorama that it would otherwise lack. Many of the hills are covered with small pieces of talc, a substance resembling mica in appearance, though it fails to stand the test of fire, that are bright as the diamond, and when the grand illumination takes place in the morning there is a scene presented of such transcendent beauty that the beholder can only gaze and wonder. Words are as inadequate to describe what is there to be seen as to satisfy the cravings of a hungry man.

The theories attempting to account for these remarkable phenomena are numerous, but whether any of them will be sustained by more exhaustive research than has yet been made remains to be seen. The most popular is that what are now the valleys were originally filled with coal, which, at some remote period, became ignited and burned out. There are coal mines now burning and have been since anything was known of this locality, one of which

I saw, and there are many veins of coal exposed along the banks of the Little Missouri. But there are evidences of volcanic action, too, and that of water also, though what share of the work each has performed, and at what time, remains for the geologist to ascertain. It will make little difference to the nonprofessional sightseer, however, whether the present condition of the Bad Lands is accounted for or not. They are there in all their strange wild beauty, and when the railroad is completed to the Little Missouri this strip of country will take rank among America's wonderfals, second only to the National Park and the Yosemite Valley. The valleys in the Bad Lands are accounted as good grazing lands as there are in the West. The grass is rich and abundant. Water plenty, and the blizzards that rage above at times are only as a tale that is told. Here it is possible to have an ideal farm.

The records of settlement and development of other territories and states furnish no precedent that can be cited that will compare with the same conditions that prevailed throughout Dakota from 1878, increasing with accelerating speed during the seven years following, caused by the mooning of tens of thousands of people each year, and this immigration supplemented by the advent of railways across the Eastern Dakota border and their eagerness in laying their iron highways through to the Missouri River, and by a corresponding aggressiveness to obtain control of contiguous territory by extending their lines north and south along the valleys of the principal tributary streams. This situation was remarkable as covering the entire territory north as well as south.

The year 1880 must ever remain notable because of the progress made in railroad building in the territory, because of the abundant wheat harvest, particularly in the northern counties, and because of the heavy immigration to all sections. New communities were formed by the score and new counties organized. The steamboat traffic on our navigable rivers showed an increase over preceding seasons, and the James River from Columbia, Brown County, to Grand Rapids, LaMoure County, was equipped with craft propelled by steam, carrying passengers and freight to settlements along the 120 miles between these points.

## CHAPTER LXXXIV

### UNPRECEDENTED FLOODS

. 1880-81

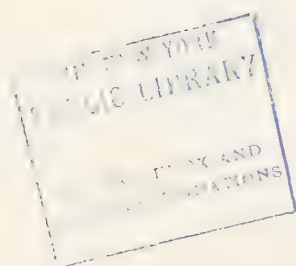
THE WINTER OF 1880-1881—THE EARLIEST AND MOST SEVERE IN DAKOTA ANNALS—RAILWAYS BLOCKADED AND WORK ON EXTENSIONS ABANDONED—FREQUENT AND HEAVY SNOWFALLS CHARACTERISTIC OF THE SEASON—STEAMBOATS IMPRISONED IN MID-RIVER—THOUSANDS OF RANGE CATTLE PERISH—UNPRECEDENTED FLOOD FOLLOWED THE BREAKING AWAY OF WINTER—BOTTOM LANDS SUBMERGED FROM BISMARCK TO SIOUX CITY—THE BIG SIOUX VALLEY INUNDATED AND MUCH PROPERTY DESTROYED—THE CITY OF VERMILLION SWEEPED AWAY AND THE PEOPLE FIND REFUGE IN THE HIGHLANDS—RELIEF PARTIES GO TO THE RESCUE OF HUNDREDS OF WATERBOUND SETTLERS—HEROISM OF THE LIFESAVING CREWS—STRIKE-THE-REE MAKES A STATEMENT—GOVERNMENT EXTENDS A HELPING HAND—FEDERAL APPOINTMENTS—CITY OF CHAMBERLAIN.

The winter of 1880-81 opened October 15th, 1880, with an unprecedented storm of snow, which assumed the magnitude and fierceness of a blizzard. It lasted about twenty-four hours, its only redeeming feature being that the temperature was not dangerously cold, though the Big Sioux, Vermillion and James rivers were frozen over. Railroad traffic was tied up by the heavy snow, which had drifted into and filled many of the cuts, and the telegraph lines were badly injured, caused by the weight of the damp snow, which clung to the wires in heavy masses and bore them to the ground. Live stock suffered severely, thousands of head being out on the prairies at the time, and the work of threshing was then under way all through the territory. A foot, and in some places more, of heavy snow fell. The storm extended to Crow Creek and to the Upper Sioux and was general in Western Iowa and Minnesota. Work on the unfinished railroads in Dakota was stopped, and the Milwaukee was prevented from reaching Chamberlain with its track during the fall because of the demoralizing effects of this storm and the unfavorable weather which followed for a number of months. The winter proved the longest and by far the most rigorous of any wintry season recorded in the annals of Dakota Territory. There were intelligent Indians then living at the Yankton Agency who had been born in this Upper Missouri Valley seventy-five and eighty years prior to this event who could recall no occurrence of such a wintry visitation during October. Heavy storms and destructive blizzards had been known late in the spring, but the rule for October, and even November, had been pleasant and autumn weather. It was a widespread and an unusually heavy storm even for midwinter, and the snowdrifts in the towns were of such prodigious size and extent as to blockade the streets and walks, and wagons and carts were employed to remove the immense accumulations before team traffic could be resumed and the thoroughfares made passable for pedestrians. Railway trains and telegraph lines were a week or ten days repairing and resuming business in an orderly manner, but



VIEW OF THIRD STREET, YANKTON, 1872





they were not permitted to enjoy immunity from the storm king for many days, and storm after storm of the most damaging and disheartening character was the rule throughout the next five months. The snow that fell on the 15th of October did not melt only in part, but remained and was added to twentyfold before spring came.

There were a dozen steamboats out on their last trips to the forts and Indian agencies. The blast struck them in some instances in midriver, and they sought safety at the bank wherever they happened to be at the time. All these vessels had a trying experience, as none were equipped for any such visitation, but they came out without any broken bones or the loss of a man, though the wind at times was of sufficient force to have blown a man bodily from the deck had one exposed himself.

These were the conditions under which the inhabitants of Dakota and the people west of the Mississippi and north of Southern Iowa were introduced to the winter season of 1880-81, and from that time forward for nearly six months winter reigned, not mildly but boisterously. The snow that fell in October remained to the end of the winter season. Railroad travel and traffic was interrupted by this first storm, snow plows were required to clear away the accumulations in the cuts, and thereafter snowstorms were of such frequent occurrence that there was barely a week for half a year when the roads made their schedule time, but there were many weeks when traffic and travel by rail was entirely suspended, and this was the rule throughout the region west of the Mississippi and north of the forty-second parallel of latitude.

Dakota had been receiving many thousands of new settlers during the year and many thousands the year before who had made but scanty improvements on their claims, but sufficient for an ordinary winter. New lines of railroad had been extended across the territory in 1880, and scores of new towns founded into which thousands of people had settled and were living in cramped and exposed quarters, altogether unsuitable for any sort of comfort in winter. And the railroads had not yet shipped in the winter's supply of coal or other fuel, so that this essential was one of the earliest "necessities of life" that was discovered to be lacking. Train loads of fuel were on the tracks, bound for Dakota, but snowbound and unable to move; and it was later claimed that some trains thus laden lay for months buried in drifts on side tracks, and that human power was inadequate to remove them. The ordinary autumn season would have given good weather for at least a month or six weeks longer, but this early October visitation placed an embargo on railway transportation from the start, which was only temporarily relieved until the warm weather of spring brought relief accompanied by a mighty flood that covered the territory with a deluge of water and ice.

Under the law, or the rules, of the Land Department a person taking up public land was allowed six months from the time of filing to make improvement and settlement. Immigration was very brisk in the spring and summer of 1880, and a large proportion of the newcomers, aware of this privilege, left their families at their abodes East, came out, selected and filed upon their claims, and then returned East to return with their families and household effects in the fall. But the early arrival of winter disconcerted their plans; they found themselves unable to make any adequate preparation for occupying their claims during the winter. The rigors of the season, in the fall of 1880, would have prevented their erecting suitable living places and making other necessary improvements, but added to this was the difficulty of procuring building material, and especially the procuring of fuel, owing to the interruption of railway traffic caused by the untimely snows. Thousands who had begun improvements were obliged to stop work with their buildings only partially completed. In the face of these difficulties resort was had to the Government and an extension of time secured which gave to bona fide settlers ample time in which to provide suitable accommodations on their claims.

The heavy snows that followed the severe storm of October had by the close of the year so demoralized traffic on the railway lines west of the Mississippi River that time tables had become practically ignored, and the railway people in charge of the operating departments of the lines frankly let it be known to the public that shippers and passengers must understand "That time was no longer the essence of any contract they made for the delivering of freight or passengers at their destination." In many cases the railway people advised the abstaining from travel. By the close of December the supply of coal throughout this western country was so nearly exhausted that corn was substituted. Sioux Falls had been practically cut off from the world for weeks when the close of the year came. It was related in one of the local papers, December 29th, that "the train started out from Sioux Falls for Sioux City with Master Mechanic Moulton aboard, and with a supply of corn for fuel, but on reaching the cuts four miles below the town it encountered a snowdrift 400 feet long which it found impossible to 'buck through,' and the effort was given up and the train returned to the falls."

At Yankton, about the same day, the engine was equipped with fifty bushels of corn for fuel and the train ran to Elk Point, where there was a limited supply of coal. Fortunately the road from Yankton to Elk Point was laid almost entirely upon a grade three or four feet higher than the bottom lands through which it was located, and drifts found no abiding place. At this time the Chicago, Milwaukee & St. Paul issued a general order that for the time being, and until further notice, the running of all trains west of Mason City, Ia., was suspended.

This condition existed in Minnesota, Iowa, Dakota, Nebraska, and for that matter throughout the Northwest. It was a winter unprecedented in heavy and frequent snows and cold weather. Tens of thousands of range cattle perished. After the first heavy storms the roads were cleared, but were easily blockaded by another snowfall even of moderate amount. Conditions which, in a milder manner, occur every snowy winter prevailed in an aggravated form in 1881. This was caused by the frequency of the storms, which filled the railway cuts and made the wagon roads almost impassable for animals. In the railway cuts the snow would be shoveled clear of the track on each side, and frequently it occurred that the tracks were no sooner cleared, and often while the work of clearing them was in progress, another snowstorm would break loose that would cover the tracks sufficiently to stop traffic. This frequent clearing of the tracks piled the snow banks higher on each side, and it was not an unusual occurrence, later in the season, when trains began running, for the passenger to find the train plunging into what appeared to be a tunnel, the snow banks having grown to be higher than the car roofs so as to shut out the light.

One of the most severe of the winter storms came on the 7th of February, 1881, and continued thirty-six hours and in some sections forty-eight hours. It embraced the entire territory. All the railways in the territory, including the Northern Pacific, were so covered with drifts in the cuts along the lines as to compel a suspension of traffic.

At Fort Sully, and in a large scope of country in that section, the snowfall reached a depth of four feet; at Pierre and east at least three feet. From thence south the depth of snow fell off, but was fully eighteen inches deep in the extreme southern region. This storm, following such prolonged severe and stormy weather, appeared to completely discourage the railway companies, and nearly all abandoned their efforts to clear their tracks. In many cases ice had formed over the track and snow plows were ineffectual to clear them.

The railroad blockades were so prolonged that in some cases the employes at the stations, having no employment, were temporarily suspended.

These conditions prevailed until March, 1881, when the Missouri River, the Big Sioux, Vermillion and the James broke up and the great flood came. The prairies were then covered with from two to four feet of packed snow, the



SIoux FALLS CITY IN 1869



WOMEN FISHING BELOW THE LOWER FALLS, SIoux FALLS



DELL RAPIDS FALLS, THE SIoux RIVER





melting of which rapidly filled the rivers and creeks. The season was early in the Upper Missouri country. The river was open above Fort Buford two weeks earlier than on the southern border of the territory. This early opening of the river had been observable at points all along below Buford for several hundred miles, and wherever a mountain river debouched into the Missouri it came freighted with ice and tumbling along with torrential force.

Information from Fort Buford under date of the 6th of March, 1881, stated that at that point the Missouri River had risen twenty feet, and was still rising. The information from that point added that this freshet from the ~~east~~ north-west will force the ice and inundate the country, if the warm weather continues, for the snow is from four to five feet deep and thawing rapidly.

The early floods came before the ice in the Missouri River gave way. They were caused by the partial melting of a portion of the surface snows in the Missouri Valley, including the mountain or Black Hills tributaries. These tributaries poured immense volumes of water on to the icy surface of the Missouri before there were any substantial indications of a break-up. The reports of an early break up in the upper country grew from these melting snow floods. There was no ice accompanying these early floods. This phenomenon was observable in all the streams, and the extraordinary thickness and strength of the ice enabled it to resist the weight of water passing over it for a week or more. The surface of the rivers was also the bed of a heavy coating of snow that had accumulated during the winter. The Missouri had been rising several days before the "break up," and had inundated the adjoining lowlands in several places. It continued to rise, and on the 24th of March had reached the Dakota Southern Railroad tracks along the Missouri bottom lands, and at a few points covered the tracks between the Big Sioux and James rivers.

It will not be necessary to enumerate the several bridges that were swept away by the flood. Nearly every structure of this kind south of the forty-fifth parallel, whether railroad or wagon bridge, was totally destroyed or so badly injured that they afforded no assistance in crossing the streams. And this feature of the destruction will, better than anything else, indicate the widespread nature of the disaster. It tells us that every tributary, as well as every river from our eastern to the western boundary, became a raging torrent when the break up came in the spring and for a time poured destruction upon everything in its path. Shut off from the outside world by these incidents of the flood, a great portion of the people on the verge of starvation, with little clothing and none whatever except that they were wearing; exposed for weeks to a severe wintry atmosphere, their homes a wreck, and their household goods that had not been swept away a mockery of comfort; without beds or bedding, flour or meat, a kindly Providence bore them through, and they learned a lesson from adversity that they have never ceased to remember.

Fort Thompson and the Crow Creek Agency escaped the ravages of the flood, and Chamberlain was only slightly affected by it.

At White Swan, opposite Fort Randall, the river broke on the 25th, and ran for an hour when it gorged below. The water then came over the banks, and ice then came with it so abundantly that before many of the settlers were able to get out of the valley the water flooded their wagon boxes. They all happily reached the hills alive, but their live stock, buildings and household fixtures were largely destroyed and swept away.

Nearly all the cattle used in freighting from Pierre to Deadwood perished. The Black Hills for a time were entirely isolated. On the Pierre route a stage left the Cheyenne Crossing and became lost for sixty-five hours. Another stage was twenty-nine hours making nineteen miles, and was then obliged to abandon its trip and return to its starting point. These incidents, with scores of others, were due to the heavy and frequent snows, which had obliterated every vestige of a highway, and animals were unable to make any headway and as a rule refused to make the effort.

There was no section of the territory where the flood worked such disaster as on the wide bottom lands bordering the Missouri between Yankton and the Big Sioux River, a distance of nearly sixty miles. There were no bottom lands of equal extent elsewhere in the territory, but all the lowlands—those at Greenwood (Yankton Agency), White Swan and the new Town of Pierre; the lowlands in the Apple Creek Valley and other bottom lands near Bismarck—were all inundated and their improvements as a rule destroyed.

On March 28th an ice gorge formed below Vermillion, and the water rose rapidly and began to flood the city before nightfall. The entire town was flooded in less than an hour. The people fled to the highland, leaving their homes and business places. Great damage was done to household goods and goods in the stores. The water rose to about four feet on the 28th, and remained stationary for some time.

At Yankton the river broke up about 4 o'clock in the afternoon of the 28th. There were a number of steamboats at the levee at Yankton, where they had passed the winter, and their owners anticipating a lively time when the break-up came, had made preparations for the event and taken all the usual precautions. The heavy ice which covered the river was the chief cause of any apprehension felt for the safety of the boats; there was therefore considerable alarm felt when but a few minutes after the ice began moving a heavy cake struck the steamboat Western near her stern and opened a hole in her about twenty feet long through which the water poured into her hold. All the men that could work at the pumps were set to work hoping to keep the water down until the fissure could be closed and the boat moored nearer shore; but this could not be done. The water poured in much faster than the pumps could take care of it, and in the course of an hour the boat settled down, her stern going to the bottom of the river, her bow being partially out. All the movable property on the boat was taken out and removed to the Government warehouse. The machinery could not be reached. The hull would be a total wreck and could not be raised.

At Vermillion the destruction was most complete. The city contained a population of six or seven hundred, and about one hundred and fifty dwellings, hotels, churches, banks and business houses. The town had been built on rather a narrow strip of the Missouri bottom land, just under the highland where the present substantial city is established. The flood with its moving ice attacked the city about midnight of March 27th. A grove of trees west of the city obstructed the ice for a time. The people were awakened by the alarm rung out by the bell of the Baptist Church, and not many minutes later the streets were thronged with many women and children, who had been hurriedly clad, all making their way to the road leading up the hill to the high land, some leading horses or driving cattle, with their arms full of clothing picked up in haste as best they could when leaving their homes. The alarm bell had been the agreed signal of imminent flood danger. Many of these refugees were unable to get ahead of the invading water and ice, and were compelled to wade through three feet of icy water in the darkness of midnight to reach the bluff road. The bluff was a steep one.

Conditions in and surrounding the town remained practically unchanged for the next three or four days, except that the water rose very gradually. The railroad tracks and even the depot platform were submerged. On the 31st the water had reached nearly to the roof of many of the smaller structures, and in the morning they began to float off their foundations. The growing trees on the west had kept the ice, in large part, from entering the town up to this time. During the 31st of March and following night forty structures floated away and dashed against the ice packs lower down the valley. A few people had entrusted their safety to the second story of two brick buildings, but the next day they were taken out of the second-story windows by rescuers and carried ashore in skiffs. For six days following the flood remained intact, raising and



Ice thrown forty-five feet above low water mark



"Alligator's lay." A break of the ice gorge



Ice forty-four inches in thickness left upon railway tracks after flood subsided



View from Central Street, Yorkton, looking south-west. Flood from Missouri River in the distance





lowering alternately as the gorged ice below, extending now from two to ten miles in an icy sea, clogged up and then affording a temporary opening for a brief time, only to be again dammed up by the gorging ice floe. In the meantime the Vermillion people had been untiringly at work removing everything removable from the bottom to the highland, that is, everything they could reach through the flood of waters, but a large amount of property could not be recovered. Besides their only mode of transfer was a limited number of skiffs, which made the work slow and difficult. On the 6th of April the water again rose rapidly, the ice entered the desolate town, which yet contained a hundred or more of its best buildings; the Baptist bell again rang out its ominous and frightful clangor announcing new danger, and just about midday the procession of the buildings started—some steadily and majestically facing their fate, others tottering, partly tipped over, and in the course of a couple of hours fifty-six buildings were floated off or wrecked near their foundations, among these the St. Nicholas Hotel, the railroad depot and the Congregational Church. The Chandler House was moved and badly injured, but lodged near the bluff and successfully resisted the further efforts of the destroyer. Twenty buildings in stately processions, like swan, were observed floating off in one fleet. The scene was an imposing and exciting one, but those whose homes were being wasted and property destroyed did not then appreciate the grandeur of the tragedy that was being enacted before their eyes, nor the stupendous stage upon which it was being enacted. A house from Meekling, ten miles away, belonging to Mr. Paikhow, had come down to Vermillion in the flood in good condition, but was dashed against the gorged ice below and its fragments lost. There was one night during this long peril when a blizzard prevailed, making it impossible to row a boat or remain long exposed to the freezing blast. There was a note of despair in the voices of the suffering people when this dreaded visitor came and remained so long. The weather was uniformly uncomfortably cold all through the weeks of the flood. Extreme cold was not infrequent, and the most serious danger complained of by the rescuing parties was that of losing their lives by freezing. They were liable to get benumbed and fall asleep, which is the method which precedes the fatalities that occur during the blizzards. Captain Lavender, of Yankton, mentions an instance where he was obliged to spend one night with his men on an ice block owing to high winds, and it was with the greatest difficulty that he kept some from going to sleep. He whipped and pounded and threatened, and felt that he was about half frozen himself, while he was stamping about on the icy block and keeping his men moving without intermission.

The apparently miraculous delivery of hundreds of people from the jaws of death formed the topic of the current talk of the time, and volumes of thrilling stories could be made up from these experiences. They cannot be related here, but as an illustration of the imminent deadly danger that beset hundreds and possibly thousands of farmers' families who inhabited the river valley lands the experience of Ole H. Larson, wife and two children, H. J. Hanson and wife, and two children of Judge Bottolfson, of Clay County, will be an index to many others.

These people were at Hans J. Hanson's house, about ten miles above Vermillion, and had procured a skiff in which they were seated, when the house, with ten people in it, was lifted from its foundation and floated away. The occupants of the house were Hans J. Hanson, O. J. Hanson, their wives and children. After the house got started on its voyage the men folks, realizing their peril, made their way to the roof, where they built a large box to serve as a life boat in case of further emergency. The house moved along, but had settled nearly to the eaves when the life boat was finished and the ten passengers found places in it; and then, with much paddling, the passengers made their way to solid ground, contending with difficulties that can better be imagined than described. They finally found refuge in the house of Mr. Thompson,

which had escaped the flood. The other party who were left in the skiff, with scant clothing and no food whatever, after hours of rowing about in the ice field, sought refuge on the roof of a partially submerged stable, not far from their starting point. Here they remained six long days and nights, exposed to the weather, their only food an uncooked chicken which they found in the stable, and raw beef taken from a drowned animal. The nights had been freezing cold. It was remarkable that they were found alive. A searching party discovered them the sixth day and carried them to a place of safety. They were all more or less delirious. They had at first expected that their plight would be discovered by some searching party, as they were quite conspicuous on the roof, but as the time passed and no sign of relief appeared they gave up in despair. They might not have survived another twenty-four hours.

Flood conditions remained over a large area of the overflowed country until early summer. There were cases where families, or a small group of settlers, had taken refuge in the more substantial buildings of neighbors, but made no preparation for a long stay, presuming the waters would subside in two or three days. Here, after the lapse of many days and weeks, provisions would give out and starvation stare the imprisoned people in the face. Relief parties were out searching for these isolated people, but it was slow and difficult work through the ice fields of the watery waste. And these places were most apt to be the most difficult to reach owing to the accumulation of ice around every building or other obstruction strong enough to resist the ice pressure.

Gunderson's mill, seven miles west of Vermillion, was a type of an isolated settlement. As late as the 25th of April parties had been unable to make their way to it owing to the heavy ice that obstructed every avenue; cakes of ice that stood up in great sheets ten or fifteen feet in height.

This mill was built on one of the highest points on the Missouri bottom, and was regarded as "floodproof." Near by on the same eminence were two farm houses, those of Thomas Thompson and Mr. Johnson. At the mill during the flood there were forty-two people, thirty-six in Thompson's house and forty-seven at Johnson's—125 in all. This was the number when Capt. Grant Marsh made his way into the settlement. They had been living for some time on flour only, with a very light diet of everything eatable that could be scraped up in the buildings they inhabited. The flood did not reach them, but all around them, for many miles they could witness the destruction of the farmers' homes and improvements, and the struggling herds of cattle, gathered upon every point that projected out of the water, only to be engulfed and swept away by a succeeding rise that covered their place of refuge. Tens of thousands of domestic animals were swallowed up in the icy waters, the farmers, without exception, maintaining some sort of a herd, from ten head to several hundred. The inundation had been so overwhelming and its later stages so abrupt and unexpected that there had been no opportunity to drive the cattle to higher ground, which in nine-tenths of the cases was miles away. Thousands of tons of hay were swept away, and it was a common remark later that there was not a spear of hay left "from the Jim to the Big Sioux." All around this high point of land in the neighborhood of Gunderson's the ice had grounded and piled up in great masses, similar to that which environed Meckling, and over the acres of this piled up ice there was no way of ingress or egress until Marsh made his way through with ropes, and with planks to span the chasms. Marsh finally broke a way through. He outfitted at Vermillion with provisions furnished by the flood sufferers of that place, and taking a steamboat yawl, rowed across the overflowed bottom, striking ice banks some distance above the town; his party then dragged the yawl over the ice to open water, then rowed up about three miles to another ice gorge, where they abandoned the yawl and made their way over the ice to the mill, carrying the provisions to the half-starved prisoners. And as the people could not be removed, the captain returned to Vermillion and obtained another cargo of supplies, which he succeeded in safely delivering, and

which suited to keep the garrison alive until they were able to make their way back to their desolate homes, possibly or probably in find that everything they owned had been swept off or ruined. The subsidence of the flood left the bottom lands strewn with blocks of ice, in all dimensions, frequently four feet thick; the sloughs or low places piled with water and crossable only with boats; haystacks swept away, live stock drowned and floated off with the current, and over one half the buildings wrecked or altogether destroyed. It had been, within the area of bottom lands, embracing a length of sixty miles, and from ten to twelve miles in width, that the greatest ruin and desolation occurred, and it was here also that the flood, when at its height, presented a scene of grandeur at times appalling, that possibly has had no parallel since the Missouri Valley has been inhabited by human beings. Fortunately, there was no loss of life during the flood except the case of Mr. Inch, near Gayville, the result of an imprudent attempt to relieve his cattle. The exposure of many women and children resulted in many cases in prolonged suffering and impairment of their health.

The big bend in the Missouri River a few miles above Vermillion was cut off by the flood of 1881, and the Missouri shortened just about seventeen miles. The peninsula formed by this bend was the largest on the river excepting the Great Bend, mentioned by Lewis and Clark, near Crow Creek. The land was in the form of an elongated ox bow, very narrow at the points. Across its neck it was only half a mile, while to make the distance around by river it was eighteen miles against a stiff current. The new channel will save the steamboats eighteen miles, less a half. The cut-off left Vermillion about three miles north of the navigable channel of the river. The farm of Mons Nelson was situated near the line, or on the line of the cut off, and where the channel cut across it took his barns, sheds and all his out buildings, and a dwelling house nearly new. Nelson had a large number of cattle, a portion of which gathered on a high point that lay right in the path of least resistance from the flood that was rapidly eating its way across the narrow neck. An observing party had gathered on the Nebraska bluff opposite and was watching the ravenous work of the waters as they devoured the narrow strip in the neck of the bend. The small circle occupied by the cattle was right in its path, surrounded by a sea of water. But a little more than a few feet of land was left for a footing for the cattle when suddenly this disappeared as if undermined, and with a mighty crash dashed into the water, hurling the cattle with it, and they soon disappeared.

Meckling was a railroad station on the Dakota Southern Railroad, about seven miles west of Vermillion, four miles from the bluffs or highland, where a large community of farming people resided, and not more than fourteen miles from Yankton, where there were a number of steamboats and scores of men skilled in handling rowboats and pike poles, and as someone remarked, "Though the condition of Meckling was known to the ends of the earth, yet all civilization could only stretch its hands in pitying sympathy without being able to reach them."

Many attempts had been made from Yankton with the best of boats, manned by the bravest of hearts under such indomitable commanders as A. W. Laverder, H. H. Smith, C. H. Bates, Charles P. Edmunds, F. C. Dudley, A. W. Daniel, S. K. Felton and a number of the steamboat people, including Capt. Grant Marsh and a fleet of steamboat yards, but they were turned back, made to penetrate the barriers of ice that hemmed in the beleaguered people on every side, though some of these parties were able to learn that there was no quick response. Had there been, explosives, though regarded as dangerous under the situation, might have opened a channel and the people been let away. Meckling early illustrated the situation throughout the flooded country reaching from the Nebraska to Sioux City. Within a mile and a half of Meckling three hundred cattle were lost. There were six lives lost due to the flood.



The people at Meckling were finally rescued about April 28th through the daring and indefatigable efforts of Capt. Grant Marsh, who had been doing heroic relief work all along the line, in the ice and water, for a month, and who finally resolved that Meckling must be reached and its imprisoned inhabitants relieved. The Meckling people had spent nineteen days in the second story of the elevator and in one or two other small buildings adjoining. There were 125 of them. They were taken off in yawls sent down by the steamboat people at Yankton. They were all comparatively well. This concluded the relief work of the noble army of volunteers, who had labored faithfully for a month, in the midst of peril and serious hardships, to search out the humble abodes of victims of the flood, until they had gone to every cabin or roof on the nearly half a million acres of land embraced in the inundated district.

The ice broke up in the Sioux River at Sioux Falls on the 20th of March, and following the water began rising, and in twenty-four hours gained a height of about sixteen feet above low water mark, the highest ever known. A torrent over five hundred yards wide ran through the town, flooding the basements of buildings on the west side of Phillips Avenue from Ninth Street north, compelling everyone north of the VanEps Block to remove their goods, and covering that section of the town for several blocks with from two to four feet of water. The flood extended to the bluffs or highlands on the east side of the river and washed away over thirty buildings. The Milwaukee Railroad bridge was washed away and the track badly damaged, as was the track and yards of the Worthington line. The Queen Bee Mill suffered \$15,000 in damages. The lumber companies all lost heavily, the Oshkosh about twelve thousand dollars, and the Edwin Sharpe & Company, the A. A. Grout and the B. F. Roderick combined loss \$21,000. Webber, Shaw & Watson, owners of the lower flour mill, lost their entire plant. It was all swept away. There were other losses, the whole aggregating about one hundred and fifty thousand dollars. At Dell Rapids the bridge was washed away, and the mill seriously damaged.

This rise in the river above the falls occurred about March 25th, and swept away about one hundred buildings.

Three of the bridges across the Big Sioux at Sioux Falls went out within fifteen minutes. The upper wagon bridge, a new iron structure, was the first and went whirling down the flood and struck the lower wagon bridge, throwing it in the air, and then the combined wrecks dashed into the Pembina Railroad bridge, tumbling it from its foundation, and the three bridges floated away in company. The big bottom prairie just west of the town was at one time under ten feet of water, and the farmers and all persons living on these bottom lands had been compelled to seek safety from the flood in flight, so suddenly did the overflow come upon them. The farmers lost everything but their land and their lives. Many of them who possessed a small fortune in grain and live stock, buildings and improvements found themselves reduced almost to a beggarly condition. From the highland, buildings could be seen floating in the water, and others were submerged to the apex of their roofs. No human lives were lost but the people, refugees from the farms had sought shelter in the town which was already overcrowded and the people growing desperate over the growing scarcity of food supplies. It was claimed that the supply of staple articles was wholly exhausted. The merchants were out of sugar, coffee, syrup, oils, and candles, no vegetables of any kind, and a very low stock of flour for so many people. Stores had next to nothing that the people wanted to buy, and little attention was paid to storekeeping. A quantity of flour was stored in the Cascade Mill which could not be approached while the torrent of water and ice raged. And there was no relief in sight, for there was no way of getting out of the country nor any method by which relief could be sent in. The railroads were helpless. They were powerless even to help themselves. Their coal was exhausted. Their tracks and bridges destroyed, and two months or more must elapse before they could be ready to resume the running of any kind of a train.



"Far West" loading for upriver, after the flood  
first boat out. "Nellie Peek" lying  
on railroad



Lower Yankton April 5, during great flood



Wreck of the Government warehouse, Yankton



Railroad trestle collapsed into flood

SCENES DURING FLOOD OF 1888



The Sioux City and Pembina, from the former place to Canton was said to be in such a wasted condition that it would have to be rebuilt.

The farmers residing in the Big Sioux Valley had suffered serious losses in live stock during the winter; and when the river finally broke the valley was inundated and nearly all the settlers driven to the high lands. Much suffering and destitution prevailed throughout the valley.

The destruction of property in the Sioux Valley below Sioux Falls extending through Lincoln County was immense. The flood came abruptly, and farmers were driven from their homes to the highlands suffering great loss of personal effects, including live stock. Nearly all the grist mills along the river were wrecked and every bridge was swept away. Much destruction followed owing to the inability of the people to get out to any market town, the highways having been practically closed by the destruction of the bridges. The only practicable method of traveling to any place for several weeks was either afoot or on horse-back.

Lower Canton was flooded and a number of buildings washed away or wrecked. The same conditions existed at Beloit across the Sioux. The river at Canton was 2½ miles in width for a time; the railroad grade was entirely destroyed and the ties with the rails spiked to them, floated off to the bluffs. The wagon bridges all through the County of Lincoln were destroyed or rendered impassable. Relief work was slow in reaching this section.

The Missouri River section, embracing a much larger field and thousands of needy had been the first to claim the attention of the authorities. Information regarding the desperate conditions in the Sioux Valley was tardy in reaching the outside world.

About the 20th of April the Sioux River broke up at Brookings or Volga, and above and in a brief time had inundated the valley. The railroad extension from near Brookings up the Sioux Valley to Watertown had been partially graded the previous fall. The culverts under the railroad embankment proved too small to accommodate the increasing flood of water from above, and channels were cut through the dirt to increase the culvert capacity. This was accomplished but the continued rise of the water forced its way through these channels washing away so much of the bank as to destroy it, and the result was that several miles of the track was left without support. The water covered the valley as far as the eye could see and formed a lake of remarkably large dimensions. The damage in that region fell upon the railroads largely, though many of the farmers were compelled to abandon their homes and remove to the higher land. East of Brookings similar conditions prevailed and farmers left their homes being compelled thereto by the inundation. There were miles and miles of the railroad embankment that was washed away and the rails and ties left suspended from the occasional points that withstood the flood. The Northwestern was badly crippled.

The Brookings Line was in the heaviest part of the storm of October 15th, and was blocked for several weeks, in fact was hardly free from blockade until the spring following. In the rough country near Lake Benton, cuts twelve feet deep drifted full and on a level with the snow fences in many places. And in a number of the cuts three tiers of platforms had to be built and the snow shoveled from one to the next higher, in order to clear the tracks.

A working party composed of 100 men left Huron for Pierre about March 1st, for the purpose of shoveling out the filled up cuts which had defied the efforts of snow plows, and had blockaded the road for weeks. The party was thoroughly equipped including explosives, to succeed with the task before it. The men dug their way through about one-half the distance to Pierre, and were then overtaken by storms and severe cold weather. There were no towns or relief stations on the line, and no settlers. The party ran out of provisions and the entire gang was reduced to one biscuit a day to each man. A rescuing party was then sent out from Huron and found the men in a perilous situation, but they succeeded in getting them back to Huron alive. Many of them had their feet and hands frozen



to such an extent that amputation became necessary. It was then estimated that there was over two feet of snow covering the prairies of Dakota, all packed and solidified by occasional thaws followed by freezing, and the general opinion was that a serious flood would be experienced when the weather warmed up and the ice broke in the rivers and streams. No train was promised to reach Pierre from Huron before the first of April.

On the eastern end of the line a pitiable condition existed. At DeSmet the people were living on flour and potatoes, with nothing but hay for fuel. At Volga hotels and boarding houses were closed. Farther east, between Tracy and Sleepy Eye there was one cut where the snow was sixty-five feet deep, and a number that were covered from twenty to forty feet. There was no way by which these cuts could be cleared unless aided by warm weather and freedom from storms. The railroad company had abandoned the work in these large cuts as useless and were sending mails through on horseback and by teams where practicable, and were making every effort to get coal and provisions to the people imprisoned in the towns along the line. With the exception of the Northwestern, the roads in Iowa were blockaded.

At Huron there was a twenty foot rise in the James River when the break up came, and the bottom lands were flooded. The losses were comparatively light, largely in hay stacks. The melting snows along the Northwestern Railroad had softened the bank in many places. The railroad bridge was undermined on the west end by action of the water, but the damage was repaired by timely and skillful action. Huron, notwithstanding it endured much privation, was enabled to extend a timely helping hand to its neighbors, and was one of the fortunate localities in the deluged district.

The Northwestern was finally opened to Huron May 7th, but there were a number of bad places east of the town where an engine was not permitted to cross; the cars being pushed over, and taken along by a relay locomotive.

There had been much suffering and hardship endured during the winter by families living on their claims who came in the fall previous, and where provision had been made for nothing more than an ordinary winter season; but the acute stage of deprivation came later with warm weather in the spring and the breaking up of the heavy ice in the stream.

In the James River Valley the flood was disastrous. The ice was not a serious enemy, but the high water and its rapid current did the damage. One account will answer to illustrate what occurred in scores if not hundreds of instances. Peter Shearer, an early pioneer, had built a substantial sod and clay house, a story and a half, on Twelve Mile Creek, a tributary of the James in the northern part of Hutchinson County. He had accumulated much live stock, had a fine farm and was living comfortably. An ice gorge formed above his house in Twelve Mile Creek, and turned the channel of the stream, now a fierce torrent of ice and water, so that it flooded Shearer's premises. He managed to swim his live stock across to a high point and his family was taken off in boats to Milltown. The water continued to rise until it reached the top of the first story of Shearer's house, when the structure began to crumble as the walls were softened and weakened by the batterings of the ice pack against them. In a brief time the structure disappeared and became mingled with the flood; and little was left to mark the spot where it stood. All his outbuildings shared the same fate. There were hundreds of these sod and clay structures along the valley, and all that the high water reached shared a fate similar to Shearer's. Many Russian families were living in sod tenements and four-fifths of the large number of new settlers that had come in within a year or two, had used sod and clay more or less in furnishing a temporary domicile.

At Mitchell and the region round about, like conditions of lack of the necessities of life existed. Mitchell had had no trains from the East for weeks when the high water came. The flour mills at Rockport, Wolf Creek and one near Mitchell had been completely swallowed up in the flood, which at times covered

the James Valley about Firesteel from bluff to bluff. Maxwell's Mill was badly damaged and could not be relied upon to work for a month. There was hardly a pound of flour in Mitchell; none whatever for sale. The people of Mitchell opened communication with Yankton and freighted away several trains of supplies during the six weeks that was required to put her eastern railway in running order.

At Forestburg, on the James River, at the crossing of the Southern Minnesota Railroad, the water covered the bottoms to the depth of eight feet. Forestburg was then the county seat of Miner County, and the courthouse was swept away, but the county records were saved. Other buildings suffered. The newspaper office, *The Progress*, was completely wrecked and so suddenly the disaster came that the editor could not escape from the building and sought refuge on the roof, where he constructed some sort of a raft and with its aid was able to make his way to high land. Major Brown who had a farm and substantial improvements seven miles above Forestburg had apprehended a flood because of the deep snows, and had built a boat which was barely completed when the flood came upon him and he hurriedly bestowed his family in the craft and pulled for the shore, which he safely reached. His dwelling, household goods, and barn were swallowed up in the flood. While the bottom lands were overflowed to a depth unprecedented in the memory of white or red man, along the valley south of Forestburg, the damage or destruction was much more moderate than above, though Firesteel lost a few buildings. At Milltown the entire population was driven in haste to the high points so abruptly and unexpectedly did the flood come upon them. No buildings were lost but considerable damage inflicted by the water. The grist mill, one of the best in the valley, was badly wrecked and had to be rebuilt.

The James River at Jamestown broke up about the 10th of April, and an ice gorge formed above the city; this held until a vast amount of water had collected, and when the ice dam broke a deluge poured down upon the valley below inundating the low lands and driving the people who had settled near the river from their homes in haste. Fortunately all such were comfortably cared for. A gorge also formed some distance below the city, and formed a lake of respectable dimensions. The bridges in that vicinity over the James were all damaged to such an extent as to be unsafe but the Northern Pacific bridge within the city was not at all injured. Mr. J. J. Thompson, occupying the McKechnie farm, two miles below the city, had remained at home during the rising of the water expecting that it would subside before reaching their domicile, but they became apprehensive for their safety when they beheld the entire farm overflowed and the water creeping into and upon the floor of their dwelling. Mr. Thompson then hitched up his team and with his wife started for town. A slough not far from the house lay in the path of retreat, but it was necessary to cross it, and Mr. Thompson drove into it to find that it could not be forded, his horses sinking and swimming. The wagon box in which the family was seated floated above the running rig, and serious thoughts occupied the mind of the occupants. But the horses were of good mettle, and kept on sinking and swimming until they finally reached the upper shore, safe and sound. Mr. Thompson lost a large amount of property as the result of the flood and the settlers along the valley for twenty miles were heavy losers.

The newly founded Village of Mandan, starting point of the Northern Pacific Railroad opposite Bismarck, was a victim of the flood's destructive quality. The town had been built on the bottom land or on the first low plateau above it, and received the full force of the flood of water and ice which poured into and through its streets flooding the surrounding country to the high points. Ice accumulations seemed to inflict the greatest damage. This was piled up in her streets rendering it almost impracticable to get about or through the town. The railroad company had piled up large quantities of ties and bridge timbers at this point which were largely carried off by the water.

Forty bridges between Mandan and the Bad Lands or western boundary of the territory on the Northern Pacific, were carried away or badly damaged. The wagon road bridges between Bismarck and Deadwood were swept off. Weeks elapsed before the Northern Pacific could operate trains west of Bismarck to the Yellowstone.

At Fargo, the Red River rose about fifteen feet flooding the lowlands. Here, the water covered the floors of a number of small buildings to a depth of four feet. The inhabitants of the premises escaped with slight loss. The Red River country did not suffer a great deal from the flood, especially that portion south of the boundary line.

Trains ceased running to Yankton on account of the flood, March 25th. From that date until April 23d, no eastern mail whatever was received. The telegraph line had also been out of use for the same time, and the line was not repaired until the last of May.

The mail service had been demoralized for many months, all through the stormy winter, all over the Northwest, before the flood, and when that crowning calamity came it practically isolated the Dakota settlements and towns from the outside world. For thirty days no mail, whatever, reached the settlements in the southern half of the territory. Sioux City was in a like condition. A mail reached Sioux City from Yankton on April 30th, by skiff and the newspaper in announcing the arrival, states that Postmaster Dorsey, of Ponca, Neb., and Mail Contractor VanAllen, of Green Island, and two Baptist divines accompanied the mail, and all came near capsizing on the way down. The Baptist divines, not having the fear of much water before their eyes, persisted in sitting on the side of the boat, and the skiff took in so much water that it was nearly swamped. This wet the big mail aboard, and when it came in about a thousand letters had to be untied and scattered around over the office, a letter in a place, to dry. This mail had seen much tribulation previously. It had been sent up to the Milwaukee road where it was erroneously reported that it was opened, and then went back to Yankton and to Sioux City by skiff. The steamboat, Niobrara that left Sioux City April 29th, took out over two tons of mail for Vermillion and Yankton. Among this mail was 118 sacks which had been brought to Sioux City from Sheldon, Ia., a few days before, a part of which was discovered to be a lot that was made up in the Sioux City office several months before and had been knocked about during the blockade, in unsuccessful efforts to get to Yankton. The steamboat, Niobrara carried the mail as freight for 45 cents per hundred pounds. The postal authorities had directed that steamboats be employed to carry the mail where practicable.

The running of trains was begun on the Hastings and Dakota Division (Ortonville), of the C., M. & St. Paul Line, west of Milbank, on May 15, 1881. This was the first run made over the fifty-seven miles west of Milbank. Construction on the remainder of the line to James River, at the mouth of the Elm, was in progress.

Track laying on the uncompleted lines of railroad was brought to a standstill owing to the lack of iron which the railways had been unable to transport.

Strike-the-Ree, chief of the Yankton Indians, testified at the time that he had lived on the banks of the Missouri since 1801, and he had never witnessed nor had he learned of any similar flood, so it could not have been known to his father or to his father's father, for Indians have a custom of transmitting an account of such calamities through many generations. The ice in the Missouri River had frozen to the depth of three feet and over forty inches in many places, and it averaged in thickness, as was observed during the flood, nearly thirty inches.

Strike-the-Ree sent the following letter to "the paper at Yankton that gives all the news":

Yankton Agency, D. T., April 5, 1881.

It is now some eighty winters that I have seen the snows fall and melt away along this Missouri River, but I never saw a winter of such snows and floods as these. It used to be





Steamer on the ways at Yankton, April 5,  
1881, thirty feet above low water level



Ice gorge at the steamboat ways, Yankton  
after first rise



Dynamiting ice surrounding the boats



View at the wharf of the Steamer "Western" in  
walkway of the flood

SCENES DURING FLOOD OF 1881





that our ponies could eat the grass on the prairies all winter, but this year it is true all our wheat was in, and we can hardly see a spot of bare ground as large as your hand. And though the snow is still so thick, great floods come and destroy all that we have.

Long ago—forty years or more—there was a flood that overtook and killed a large number of Teton Sioux, but even then the flood was not as high as this. Here on the Yankton reservation the water seemed to burst up from beneath and covered the whole plain from bluff to bluff. Though the people fled to the hills and saved their lives, many lost all their property. Forty-three houses were taken away by the flood, with their stoves and other household goods; also stables, haystacks, cattle, horses, cut logs, steam cut wood, mowers, plows and other farming implements.

As I looked upon the women and children, struck by this great calamity, my heart was moved, and I prayed thus: "God have mercy and look upon me. Look with mercy on these women and children. Give us a way—good, broad and straight—by which they may live."

Then I looked, and saw a way; two men were standing in it. One was the President, and the other his second. They came stretching out their hands to me. And with them there were cattle, and wagons, and plows, and reapers, and mowers, and threshers, and rakes, and hoes, and pitchforks, and seed wheat, and garden seeds of many kinds. I said: "If this be true, these children will yet be filled and live. They will go to school and be wise and great."

STRIKE THE REE,  
Head Chief of the Yankton Sioux.

Spotted Tail, chief of the Brules, stated that there was nothing in the traditions of the Sioux Nation, or in the recollection of the oldest people of the tribe, going back practically to the beginning of the century, that could recall a winter as severe as that of 1880-81. Among the Indians Dakota had been famed for its moderate winters, and they had never been accustomed to make any provision for feeding their ponies which subsisted the year round on the nutritious buffalo grasses of the plains, that in the fall would cure on the ground and furnish fine pasture for the winter. But the snows and thaws of this winter had been so severe that the ponies could not dig through them and reach the grass.

It is not surprising that the great heart of the country was moved to benevolence as soon as the story of this calamity reached it. All through the long winter, the more fortunate communities of the territory, residing in the towns and small settlements had been more or less engaged in relief work, and in many cases their resources had become seriously impaired when the great flood came in the spring. Thus cut off from all possible intercourse with the source of supply, the situation was for a long time a perilous one.

The Produce Exchange of New York City became active in securing funds for Dakota's flood sufferers. Governor Ordway was not in the territory during the winter, but at Washington. He visited New York City when he learned of Dakota's disaster, and set to work to raise \$100,000.

The Chicago Board of Trade took action and appointed a committee to solicit aid for the Dakota flood sufferers.

Railroads, as soon as they were in condition to run trains, gave out that they would transport all relief supplies free of charge. Bishop Clarkson, of the Episcopal Diocese of Nebraska set to work in Omaha and raised \$1,000 in cash in less than one hour, and large contributions of provisions and clothing.

About March 1st the acting governor received advices from Watertown that the inhabitants were out of fuel and provisions owing to the long continued snow blockade on their only railroad. The advice came by wire from a relief committee. The executive telegraphed the C. & N. W. R. R. people at Chicago, and suggested that if they could not clear the track, they relieve the people by wagon trains. The railroad people, in reply, suggested a way of partial relief: that the Watertown people had flour and groceries but no meat, and that they could get wood at Yellow Banks and Goddards by going after it. The president of the road, Mr. Hughitt, admitted that the line was so solidly blocked with huge drifts of snow and ice that the opening of it would not be practical until warmer weather.

The United States Government began issuing rations of flour and bacon to the destitute, through military channels, about the first of April. The central

point of issue from the southern part of the territory and Northern Nebraska, was at Yankton, where Capt. D. Wheeler, commissary and quartermaster, superintended the issue. Fifty-seven men, forty-six women, and thirty-five children at Green Island, Neb., opposite Yankton drew rations. Twenty-five thousand Government rations had been distributed up to April 27th, and this exhausted the Government's donation; but the Chicago Board of Trade had given General Terry, who was in command of this military district, \$1,500 to continue this feature of the relief work, which trust he faithfully discharged. Clothing continued to be issued by the Government, each needy person receiving two shirts, two pairs of drawers, a pair of pants, shoes, blouse and blanket.

Two tons of tents, blanket and clothing, were sent up from Fort Leavenworth by order of General Terry for the needy in Dakota, Iowa and Nebraska.

Capt. John J. Clague, U. S. A., who had been making an enumeration of the losses sustained because of the flood in the sections of Dakota most seriously affected, under orders of General Terry, reported the following estimates: Union County, \$30,000; Clay County, \$450,000; Yankton County, \$140,000; at East and West Pierre, \$51,000; damage to steamboats at Yankton and above, \$50,000; damage to the C. M. & St. Paul railways, \$90,000. In the Clay County estimate the damage by the loss of Vermillion Village was \$140,000. Green Island, opposite Yankton, was not included, but was estimated at \$60,000. Within a radius of two miles of Meckling, 1,250 head of cattle and 125 horses perished. No indirect damages were included.

That there were still a number of buffalo on the Dakota plains was proven during the winter, where the heavy snows had so covered the grass on the feeding grounds that the animals were obliged to seek shelter and food so near the settlements and military posts that their capture alive had been an easy matter. They appeared to have been much enfeebled by a long fast. Grave fears were entertained for the cattle on the ranges which depend on the buffalo grass for their winter pasturage. Montana live stock men early predicted that the losses of range animals would be unprecedented, and the same was true of Wyoming.

The Dakota Southern Railroad throughout its entire length from Yankton to near Sioux City was a wreck. The grade had softened and washed away, leaving the rails engulfed in mud and water and forming a sinuous track, in many places for miles. The road required rebuilding in part, and one span of twelve miles from Yankton to Gayville was entirely rebuilt over a new grade on an improved road.

Dead animals encumbered the bottom lands to such an extent that the stench from the decaying carcasses threatened the health of the people, and an organized and systematic plan was adopted by county authorities to bury the carcasses.

Sioux City people lost heavily from high water, which invaded two or three squares next to the river, filled the basements and clogged the sewers. The river was said to have been eight miles wide at that point about the 25th of March.

Notwithstanding the unprecedented disaster a very few weeks elapsed after the danger was passed before immigration set in and swelled to a greater volume than during the previous year. The railways were almost "swamped" by this traffic before their lines were thoroughly repaired. So active, prolonged and general was this volume of immigration, that Dakotans apparently had dropped all remembrance of the flood, for it was seldom referred to after the relief business ceased to attract attention.

Seed for planting was in great demand from the drowned out people, when they were able to get back to their farms.

The calamity passed, leaving many scars in the form of ruined homes and wrecked fortunes, with a number of instances where the privation and hardship and worse—the starvation—had left an indelible mark; still, memory could revert to many features of it with pride in the valor and heroism of so many of Dakota's

sons, who at the first call, abandoned business and bravely dared the discomforts and hazards of the flood and ice to rescue the neighboring thousands in the cabins and other structures scattered through the flooded district. Every community situated near the submerged area furnished its full quota of these, and held another in reserve. Elk Point, Vermillion and Yankton, Canton and Sioux Falls were conspicuous in the work because of wide reputation in the immediate valley of the Missouri and the Big Sioux, while the settlers along the **James in Hutchinson and Hanson counties** were greatly aided by a life untrodden spirit. The weather at times was extremely cold, the temperature at zero or below, particularly on the ice covered water, and cold raw winds swept over the sea thus formed, raising huge waves that threatened to swamp the small boats, and drenched the rescuers to the skin. An instance was related where a rescue squad was caught in a northern gale, intensely cold at nightfall, the sea around them so rough and threatening that they could not make the shore, and were obliged to abandon their boat and seek refuge on an ice pack, hauling their craft "ashore" to preserve it from destruction. Here the party passed the night, tramping, wrestling, beating one another, giving to each other encouraging words and blows to drive away the fatal stupor which precedes freezing, and which at times threatened every one of the band. The gale and the waves continued until the morning dawned, and then, nearly exhausted, they launched their boat and made their way to land, three miles distant, where some fuel was gathered and a season of thawing out and drying thankfully enjoyed.

#### VARIOUS ITEMS

In 1880 the business interests of the City of Vermillion shipped 402,784 pounds of Clay County made butter and 50,230 pounds of eggs, a gain over 1879 when she shipped 237,364 pounds of butter, and 43,060 pounds of eggs.

The credit of the Territory of Dakota was good throughout its territorial existence, and when the territory began issuing securities in 1870 to raise funds for her public buildings, its officials found no difficulty in getting purchasers, who as a rule offered premium for long time bonds drawing 6 per cent. The first issue of penitentiary bonds, at 6 per cent in 1881, sold for \$1.03 $\frac{1}{4}$  and \$1.03 $\frac{1}{4}$ .

Sanford A. Hudson, of Janesville, Wis., was appointed to succeed Judge A. H. Barnes, as judge of the United States court in the Third Judicial District of Dakota. Judge Barnes had served eight years, and retired with honor. He had been endorsed for reappointment by the bar of the entire territory. Judge Barnes settled at Fargo.

Harrison Allen, of Pennsylvania, was appointed united marshal to succeed Butler B. Strang, who resigned the office shortly after reaching the territory. H. J. Campbell was reappointed United States district attorney. C. J. Palmer, of New Hampshire, was appointed assistant United States attorney, probably on the recommendation of Governor Ordway.

Judge Kidder was appointed judge of the Fourth District in 1879, and W. C. Church, of New York, was appointed associate justice of the First District to succeed Gideon C. Moody.

#### CHAMBERLAIN CITY

Chamberlain, the terminus of the Milwaukee Railroad on the Missouri River, was named for a member of the Milwaukee directorate. It is located at the mouth of American Creek, a small tributary of the Missouri, on a plateau overlooking the river, and about eighty feet above low water mark. It was located by the Chamberlain Land Company, presumed to be an auxiliary of the Milwaukee Railway Company. Mr. T. J. Stearns was the secretary of the company and the resident agent. The company had purchased 640 acres at this point



which included American Island. The completion of the railroad to Chamberlain had been delayed several months by the rigorous winter of 1880-81, and the great flood which followed, the end of the track resting about twenty miles east of the river, and when the great flood came on, the road, for hundreds of miles east of its temporary resting place was dismembered by the loss of bridges and the undermining of embankments, so that nearly a year elapsed before forward work could be resumed on the uncompleted end. In the meantime a cargo of building material was shipped up by the steamboat, C. K. Peck, and a number of buildings erected, including a hotel, stores, and a newspaper plant for the Chamberlain Register. The population of the town when the railroad finally reached it in the summer of 1882, was about six hundred.

## CHAPTER LXXXV

### GOVERNOR ORDWAY AND THE LEGISLATURE

1881

THE NEW GOVERNOR FAVORED ONE STATE FOR THE ENTIRE TERRITORY—JAMES A. GARFIELD, PRESIDENT—LEGISLATURE GIVEN A SIXTY-DAY SESSION—MEETING OF THE FOURTEENTH SESSION AT THE CAPITAL—NAMES OF THE MEMBERS—ORDWAY'S FIRST MESSAGE—SESSION NOTABLE FOR VETOED BILLS WHICH WERE PASSED OVER THE GOVERNOR'S HEAD—PENITENTIARY PROVIDED FOR AND TERRITORIAL BONDS AUTHORIZED FOR VARIOUS PURPOSES—SESSION CLOSES WITH EVIDENCES OF HARMONY—ORDWAY'S NOTABLE INTERVIEW IN WASHINGTON—CALDWELL'S REPORT OF AN ORDWAY INTERVIEW AT SIOUX FALLS—ORDWAY SEEKS TO USURP THE DELEGATE'S DUTIES—JUDGE SHANNON SEEKS A REAPPOINTMENT—IS DEFEATED—ALONZO J. EDGERTON APPOINTED CHIEF JUSTICE—RAILWAY BUILDING IN 1880—HURON FOUNDED.

The territory had a governor at this time who had been for twelve years sergeant-at-arms of the lower house of Congress, and knew the "ins and outs" of legislation. He had just come in to the territory—not for his health—and had not yet decided where his interests could be best subserved. He was of fair ability—a plausible speaker; desired to have a hand in "running things," as a leader, but was bewildered and uncertain as to his best course. He was early suspected with harboring an ambition to make his gubernatorial office a stepping stone to the United States Senate. His subsequent career confirmed this. But he must have foreseen, being a politician and a shrewd Yankee, that he could hope for no preferment from the southern portion which was proposed by the people for immediate admission as a state; he could hope for nothing from the Black Hills; and the prospect that the northern part would be detained in the garments of a territory for a number of years did not appeal to him; therefore he felt that one territory was not too burdensome, and that the admission of the whole as one state promised the best and only solution of his problem. He therefore quietly and unobtrusively proceeded to delay progress of any plan looking to division, which his wide acquaintance with congressmen enabled him to do.

However, he might have failed in his selfish efforts, for there seemed a promise of the passage of what was known as the Saunders bill, by Congress, which was pending in the Senate at this time. It was almost identical with the bill introduced by Delegate Bennett, of Dakota, and was supported by the people of all sections of the territory. It differed from the tri-state plan in that it simply divided the territory on the 40th parallel of latitude or the 7th standard parallel, and provided a state government for the southern half.

A new President had been inaugurated, James A. Garfield, and he was making many changes in the civil list. Some of these proved unsatisfactory to the New York senators, Conkling and Platt, and they both resigned when the Senate refused to reject the objectionable nominations. Following this, an assassin named

Guiteau attacked President Garfield in the depot of a Washington railroad where he was waiting, in company with Secretary of State Blaine, to take a short journey, and shot him, inflicting a mortal wound, though Garfield lingered for several months before death ensued. The ill feeling and tumult produced in the Senate by the Conkling and Platt resignations, Conkling being then a national figure and a Senate leader, followed by the assassination and the protracted suffering of the distinguished victim, so disturbed affairs in Congress and throughout the nation, that the Dakota bill, with many other important measures, failed of receiving attention.

Congress enacted, December 23, 1880, that the sessions of the legislative assemblies of the several territories shall be limited to sixty days' duration.

The fourteenth session of the Legislative Assembly of Dakota Territory assembled at Yankton, the capital, on Tuesday, January 11, 1881, at 12 o'clock M. The roll of members as furnished by the secretary of the territory, Hon. Geo. H. Hand, was called, when the following members-elect of the Council answered to their names:

M. H. Day, Bon Homme County; Ira W. Fisher, Cass County; John R. Gamble, Yankton County; John L. Jolley, Clay County; J. A. J. Martin, Pennington County; J. O. B. Scobey, Brookings County; Amos F. Shaw, Minnehaha County; P. R. Smith, Burleigh County; John Walsh, Union County; George H. Walsh, Grand Forks County; George H. Wiggin, Lincoln County; John R. Wilson, Lawrence County.

Judge Shannon administered the oath to the members, when prayer was offered by Rev. J. W. Trimble, rector of Christ's Church, Yankton, after which the Council organized by electing officers as follows: George H. Walsh, of Grand Forks, president; E. B. Dawson, of Clay County, chief clerk; Moses Liverman, of Lawrence County, assistant clerk; James B. Hull, of Brookings County, enrolling and engrossing clerk; Jacob Brauch, of Yankton County, sergeant-at-arms; W. H. Pelton, of Union County, messenger; A. S. Fuller, of Minnehaha County, watchman; Rev. William McCready, of Yankton County, chaplain. The usual committees were appointed and the Council then adjourned until Wednesday, at 10 o'clock.

The House first made a temporary organization by electing S. A. Boyles, of Yankton County, temporary chairman, and G. H. Dickey, of Barnes County, temporary clerk. Prayer was then offered by Rev. E. J. Brownson, of Yankton. Thereafter the roll of members furnished by the secretary of the territory was called, as follows: James Baynes, Hanson County; S. A. Boyles, L. B. French, A. L. VanOsdel, Yankton County; W. H. Donaldson, Deuel County; Isaac Moore, Silas Rohr, Union County; F. J. Cross, Pennington County; G. H. Dickey, Barnes County; Erick Ellefson, Albion Thorne, Minnehaha County; Porter Warner, J. D. Hale, J. A. Harding, S. McBratney, Lawrence County; D. M. Inman, Clay County; C. B. Kennedy, Lake County; Judson LaMoure, Pembina County; Paul Landmann, Bon Homme County; J. L. Miller, Richland County; Knud Nomland, Grand Forks County; Vale P. Thielmann, Turner County; David Thompson, Lincoln County; E. P. Wells, Stutsman County.

The House then organized by electing J. A. Harding, of Lawrence County, speaker, by a unanimous vote, the democrats declining to put a candidate in the field; Frank J. Meade, of Burleigh County, chief clerk; John C. Platt, of Richland County, assistant clerk; E. N. Falk, of Traill County, enrolling clerk; Knud Paulson, Union County, sergeant-at-arms; F. K. Berry, of Turner County, watchman; Rev. E. J. Brownson, of Yankton County, chaplain.

The usual committees were appointed, when the House adjourned until the following day.

Governor Ordway's first message was delivered to a joint convention of the two houses on the second day of the session, as follows:

Gentlemen of the Council and House of Representatives: In compliance with the organic act and territorial enactment, you are assembled to commence the fourteenth legislative session.

By a dispensation of Providence, in the removal by death of your late honored governor, William A. Howard, it has fallen to my lot to become the executive officer of this territory, and I desire to express on this occasion my dependence upon Divine wisdom to guide my steps in carrying out the good work so well begun by my distinguished predecessor.

Under the complex system through which the people of all new states must pass before full admission into the Union the executive and judicial officers receive their appointments from the President and United States Senate. The legislative branch derives its power and receives its compensation from the general government, and its members are also practically United States officials, selected by the people to make known their will and enact wholesome laws.

In the name, therefore, of the general government and the people of Dakota, I welcome you, the representatives of both, to the capital; and greet each and all of you as coworkers in weaving an imperishable fabric of just laws, which shall tend to equalize and lighten the burdens of the people, and at the same time give ample protection to the humblest citizen of this broad land, no matter from what section he comes.

It has been my purpose, in visiting various parts of the territory during the past year, to study the wishes and requirements of the people of every section; and it will be my aim in presenting views for your consideration, and in passing upon your acts, to conform to the intelligent popular will.

The territorial finances are in a most satisfactory condition, and but for the delinquencies of several county treasurers the exhibit would be much more favorable than the report of the treasurer shows. Our educational interests are receiving greater attention from all classes, and lawlessness has been proportionately diminished.

The tide of immigration set in with such force last year, and our material interests have taken such rapid strides, that the necessity of forming one or more states out of the 150,000 square miles of territory now embraced in under the name of Dakota is already pressing upon the people and the general government.

The remodeling of our institutions and so amending our laws that we shall be prepared fully to meet these great responsibilities will require the exercise of sound and unselfish devotion of every official as well as of all people of the territory. I esteem the privilege of having a part in laying the foundations of a new state, upon the broad principles of justice, freedom and equality, supplemented by wise local legislation, a higher honor than the state can ever bestow. With these grave responsibilities resting upon the executive, the Legislature and the people, the question arises, "Are our territorial laws and institutions so far perfected that state organization may safely follow and securely rest upon them? Are our tax laws so framed that all classes of property bear their equal and just proportion of the public burdens and so carefully guarded that none escape the assessor's list? Are the modes of procedure and the penalties ample and sufficient to insure the prompt and efficient collection of all taxes assessed? Are the finances of the various counties in such a sound condition that they will bear congressional scrutiny? Do the laws governing the casting and counting the votes of the people at elections insure absolute protection against frauds? Are our school laws adapted to the urgent and pressing necessities of the constantly increasing wave of new settlers with large families to educate? Are not our legislative districts covering, as some of them do, from five to seven thousand square miles, altogether too large, and the varied interests therein too much diversified, to find efficient representation with the present district system and limited membership? Are not some of the counties embracing, as they do, a greater area than the State of Rhode Island, too large and unwieldy for the comfortable transaction of the public business?

The ordinary subjects which you will necessarily be called upon to consider may properly be stated in the following order:

FINANCES.—The report of the territorial treasurer shows that the total receipts were:

For the fiscal year ended November 30, 1879.....	\$43,048.76
For the fiscal year ended November 30, 1880.....	46,597.65
Total .....	\$89,646.41

The total receipts for the two fiscal years prior to November 30, 1878, amounted to but \$28,598.65, although the rate of three mills on the dollar of valuation has not been increased. The receipts have been derived during the past two fiscal years from the following sources:

From various sources .....	\$28,598.65
From sale of 8 per cent funding warrants, at par.....	14,176.22
From ex-Treasurer John Clementson.....	38.70
From sale of codes and laws of 1870.....	722.15
From sale of Fort Pierre Ferry franchise.....	394.50



From the territory's portion railroad tax, 1879.....	4,664.01
From Kidder's county proportion of railroad tax.....	890.14
From sundry sources .....	83.80
Total .....	\$89,646.41
Cash in treasury November 30, 1878, add.....	4,518.17
Total .....	\$94,164.68

Expenditures for the year ending November 30, 1879:

Paid auditor's warrants .....	\$42,452.74
Paid interest on warrants.....	3,460.41
Paid interest on funding warrants.....	572.95
Paid for exchange and express charges.....	123.63
Total .....	\$46,609.73

Total expenditures for the year ending November 30, 1880:

Paid auditor's warrants .....	\$42,588.42
Paid interest on same.....	1,870.07
Paid interest on funding warrants.....	1,134.09
Paid for exchange and express charges.....	56.54
Total expenditures for past two years.....	\$92,258.85
Cash in treasury November 30, 1880.....	1,905.73
Total .....	\$94,164.68

Total indebtedness, less cash in treasury, November 30, 1880, \$22,642.69.

To meet this indebtedness and carry on the government, there are taxes due from the various counties for the year 1880, amounting to \$62,062.08. Also delinquent taxes against various counties for the year 1879, amounting to \$11,783.74; for the year 1878, \$7,838.29; for the year 1877, \$3,689.77. Making the total assets \$85,373.68.

If these delinquent taxes could be relied on as valid resources there would be a handsome surplus after paying the territorial expenses for the present fiscal year, and paying and retiring every form of outstanding indebtedness against the territory. But unfortunately, as I think, the law is not specific enough in providing the necessary machinery for assessing and promptly collecting the taxes from the various counties. Hence, I infer, that quite a large percentage of the delinquent taxes will not be available.

I would also recommend, as a measure of reform, that provision be made by law for the appointment of a financial agent of the territory, to be known as the "commissioner of finance and banking," whose duty it should be to make careful examinations of the books and accounts of the territorial treasurer, the territorial auditor, the superintendent of public instruction, and of the several county treasurers as often as twice during each year, and oftener if special occasion required, and make report thereof in writing to the executive at the end of each year, and especially when the condition should be such as to require immediate or special procedure for public protection.

The accounts of the financial officers of the various incorporated cities, towns and villages, the civil townships and the school districts, and other municipal officers, should be as far as possible included in the scope of his duties, as well as of all officers, such as county superintendents of public schools, whose duty it may be to either handle or apportion and order payment of public funds.

Inasmuch as the law passed at the last session, requiring all private banking institutions to file annually, with the secretary of the territory, statements of their assets and liabilities has not been complied with to any considerable extent, I would recommend that the proposed commissioner be also authorized to make careful examination of the books and papers of every private or territorial banking house, and of any other moneyed or insurance institution, and report their condition in the same manner to the executive, all to be by him reported to the Legislative Assembly.

HOSPITAL FOR THE INSANE.—The report of the medical superintendent shows that fifty-two patients have been received and treated during the period of 19 $\frac{3}{4}$  months prior to November 30, 1880. Twenty-one of these were transferred from the hospital for the insane at St. Peter's and from the Lincoln, Neb., hospitals, where they had been kept under contract. The remaining thirty-one patients have been received under the law from the various counties. Twenty-five of the whole number were chronic cases of more than two years' standing; yet the report shows that about 20 per cent of the whole number treated since the hospital was established have been discharged as fully recovered. This result indicates that about 50 per cent of all who received treatment in the early stages of insanity recover;

and proves the absolute obligation of the people to provide speedy and adequate accommodations for the treatment of this unfortunate class. The report also shows that the average weekly per capita cost for maintenance and clothing of patients, including the board of officers and employees, has been but \$1.38 4/5, which indicates economy and good management, especially when it is considered that nearly five thousand dollars of the various sums appropriated by the Legislature remain unexpended. I very much doubt if a county farm or poor house can be found, even in New England, where the weekly per capita cost of paupers will not range higher than the patients at the Dakota Hospital.

Through the energetic efforts of our delegate, Hon. G. G. Bennett, Congress appropriated at its last session the entire section, embracing 640 acres of land where the hospital buildings now stand, for a permanent hospital farm, and in my annual report to the secretary of the interior last year I made a strong appeal to him to aid the territory in securing from Congress an appropriation for permanent hospital buildings. I fear, however, that so many other matters will engage the attention of Congress during the few remaining weeks of the present session that no such appropriation will be secured.

The pressing necessity, therefore, of providing accommodations for from seventy-five to one hundred patients during the next two years will have to be met by the present Legislature. The present combustible structures, although they have answered a very good purpose, and are far preferable for the safe keeping of insane persons than the cold and sometimes loathsome prisons and jails in which the violently insane were confined before the hospital was established, are wholly unfitted to meet the present requirements. I cannot, therefore, too strongly recommend that you give careful consideration to that portion of the medical superintendent's report advising the erection of a plain brick structure, suitable for the accommodation of seventy-five patients, which would ultimately form one wing of a hospital large enough to accommodate all of the insane in the southern part of the territory. The severity of the weather during the winter season precludes the use of wood in the construction of buildings of this character, unless expensive inside ceilings of tongued and grooved hardwood are used, and even in that event the piercing winds and frost will after a few years find access through the apertures induced by the constant expansion and contraction of the wood. It is not my intention to recommend increased taxation upon the whole territory to meet this extraordinary expenditure.

If the work is undertaken, I would recommend that the board of trustees be enlarged from three to five or seven members, instead of three as now provided by law. That a portion of the trustees be selected from different sections of the territory. That a sufficient amount of bonds be issued bearing 6 per cent interest and to be known as the insane hospital bonds, to erect and furnish the new building. These bonds could be authorized early in your session containing a provision that in case Southern Dakota should be admitted into the Union as a state, the new state should assume and pay them at maturity. With this provision, Congress would without doubt sanction the bonds at its present session as an act of necessity and humanity, which would make them a good investment at par, and perhaps a small premium might be realized upon them.

The work could be commenced as soon as the season opens, and the new building could be completed and ready for occupancy before another cold season sets in. I am constrained to endorse the suggestions made by the trustees that an increase should be made in the salary of the medical superintendent, which is now but \$63.33½ per month, or about the usual price paid for a good mechanic.

**TERRITORIAL PRISON.**—A contract was made by Governor Pennington, August 20, 1877, with the authorities of the house of correction at Detroit, Mich., for the safe keeping of the territorial prisoners, at \$1.50 per week for those remaining less than two years, and \$1.25 per week for those remaining more than two years. The contract continues in force until canceled by giving three months' notice.

It appears from the auditor's report that the territory has paid, during the past four years, for the support of convicts at Detroit the sum of \$14,602.76. The cost of transporting prisoners from the various counties to Detroit during the same period has amounted to \$27,203.28, making a total cost for transporting and keeping the territorial prisoners for the before mentioned period, \$41,805.94. This sum, under judicious management, would have built and fitted up a penitentiary of sufficient capacity for the safekeeping and employment of 125 prisoners, which is a larger number than the territory has ever had in the Detroit prison. While I make no criticism upon the management of the prison at Detroit, I feel assured that these convicts ought to be self supporting. In fact many of the state prisons have been sources of revenue. A bill has been introduced in Congress by Hon. G. G. Bennett appropriating \$10,000 for the erection of a penitentiary in the territory, and in my annual report to the secretary of the interior, I took occasion to urge upon him the importance of recommending an appropriation for this purpose, which request, I am happy to say, the secretary incorporated in his annual report. If, however, our expectation should fail, your attention is now called to this important subject.

There are now about ninety convicts in the prison at Detroit, and judging from the increasing numbers during the past year, provision will be required for a much larger number during the next two years.

The subject of pardons of persons convicted and incarcerated for crime is then extensively treated, in an able manner, following the policy laid down by Governor Howard largely.

The message gives an able discussion of the importance of maintaining a wise system of popular education, compulsory and under the authority of the state, and says:

Your attention is invited to the exhaustive report of Gen. W. H. H. Beadle, superintendent of public instruction, accompanying this, and to the important and interesting discussion of the subject and plans therein discussed. You will find material for thoughtful consideration upon many points, and a considerate study of the many needs of the territory in the matter of education.

In connection with this subject of education, the message calls attention to the care of the blind, and mentions that under the authority of the law three blind pupils from the territory were being cared for at the Iowa Institution for the Blind at Vinton, Ia. Likewise an arrangement had been made with the Iowa Institution for the Deaf and Dumb, at Council Bluffs, where the territory maintained two pupils at an expense of \$15 per month. The private institution for the care and education of the deaf and dumb, at Sioux Falls, is recommended, and a change in the law suggested that would permit the territory to contract with that institution, "unless it should be thought advisable to establish a territorial institution for the care and education of the deaf mutes."

**PUBLIC BUILDINGS.**—Yankton having been the largest city has been the seat of government since the territory was organized. The recent remarkable developments in the central and northern portion of the territory seem to have aroused the aspirations of the people in other growing towns to secure the capital, which may bring the subject of public buildings prominently before the Legislature.

It occurs to me that there are two practical methods to secure the necessary buildings without ultimate cost to the territory. One would be to adopt the Nebraska plan of securing a quantity of land in a central and accessible location, and dispose of the excess after laying out the public grounds, for a sufficient amount to defray the cost of the public buildings. The other plan would involve the receiving of propositions from suitable localities for furnishing proper capitol buildings without cost to the territory.

I do not think it would be advisable to take decisive action upon this important matter at the present session, unless reliable guarantees are offered that some town or county will furnish suitable capitol buildings before the meeting of another Legislature.

With the exception of furnishing adequate accommodation for the keeping of territorial prisoners, and for the comfortable care and treatment of the insane, I feel constrained to advise against any extraordinary expenditure for public buildings for the present.

**RAILROADS.**—The railroad developments have been most extraordinary in all parts of the territory during the past two years. The Chicago, Milwaukee & St. Paul Company have extended its lines across the southeastern portion of the territory to Yankton and Running Water on the Missouri River, and will soon have another line running via Mitchell to Chamberlain, a point on the east bank of the Missouri River, on its route to the Black Hills.

The Chicago & Northwestern Railway Company has extended its system of roads to Watertown, and its Black Hills line is now completed to the Missouri River, at the new Town of Pierre, leaving but about one hundred and seventy-five miles between that point and Deadwood.

The silver spike has been driven by the Northern Pacific Company at the Montana line, and that great corporation has now nearly four hundred miles of well-equipped road completed and in operation within our borders.

Nearly one thousand miles of thoroughly built and well equipped railroads are in active operation, and from two hundred to three hundred miles more will be ready for the rails early in the coming season.

Large and prosperous towns have been built up along these lines where two years ago nothing was visible but the trackless prairie. From a casual examination of our railroad laws I am inclined to think they are pretty well guarded.

The governor advocates the enactment of a registration law for all voters. He says:

**ELECTIONS, COUNTY ORGANIZATIONS, ETC.**—I cannot but regard the laws for the election of territorial officers exceedingly loose and dangerous, requiring amendment before another election.



The law now fixes the number of legal voters who may apply for the organization of new counties at fifty. Experience has shown that the first fifty individuals who take steps in securing Government land in an unorganized county are not in many cases actual settlers, or founders of the institutions which will ultimately make the county prosperous. A man without a family can make himself a legal voter in half a dozen counties within six months, if he chooses to arrange for a domicile in each, and it is notorious that great frauds have been practiced upon honest settlers by professional claimants to Government land in unorganized counties. Petitions have been received at the executive office bearing the names of fifty persons duly certified as legal voters in an unorganized county. In several instances recently an investigation has proven that more than half of the petitioners had families or homes in other places.

It has also been proven by the census enumeration that at the time some of these petitions were signed, not one-quarter of the names of the petitioners appeared upon the enumerator's list as residents and voters in the county.

I am clearly of the opinion that the law should be so changed that new counties cannot be organized until it is proven that they contain 100 bona fide settlers and legal voters.

**MARRIAGE.**—I recommend the passage of a law which shall require, in addition to the present provisions, that parties intending marriage shall procure a license from the register of deeds of the county, to whom they shall give their names and ages, names of parents, places of nativity, and such other facts as will satisfy that officer that they may lawfully be married. These facts should be recited in the license, and it should be signed by the officer under seal, for a proper fee, which should be sufficient to pay for the record of it afterwards. This license should be a pre-requisite to any officer, minister or priest, to perform the ceremony. The celebrant should then certify upon the same paper the fact of marriage, with two witnesses, and return it to the issuing officer for record.

**DIVORCE.**—I would also recommend that a law be passed requiring at least one year's residence in the territory before application can be made for a divorce from the bonds of matrimony.

Concerning statehood the message said:

The area of Dakota Territory is 13,000 square miles larger than Minnesota and Iowa combined. By extending its western line a short distance into Wyoming and Montana, it still leaves 200,000 square miles in those territories, and three large states could be formed with natural boundaries. The whole sisterhood remaining bound together by a community of interests, and the pride of a common name, which would carry great weight in the national councils, when the names of Southern, Western, and Northern Dakota should be added to the states of the Union. As to the names or number of states, the particular lines of division or the exact time when the first state should be admitted, I have no recommendation to make, except that we place the territory in such a position that the people may be prepared for any of the proposed changes. In order, however, to carry out any plan of division, it seems to me that congressional action must first be secured, and unless the bill now before Congress should become a law during the present session, in order to secure early action in the next session, we must go to Congress with a perfected code of equal and just laws, with a sound educational system, and with such a financial record that the new states can safely be entrusted with the control and disposition of the 5,000,000 acres of school lands already placed in trust for the people, and such other donations from the public domain as the new situation would demand.

The numerous pressing subjects requiring legislation, to which your attention has been especially called, together with local matters, will probably engross nearly all the time of the present session. If you find it impossible to consider measures necessary for laying the foundations of the state, I would suggest the propriety of your memorializing Congress for a special session of the Legislature, to meet the first of June or September, to determine all questions relating to admission, the adjustment of common interests, and to perfect all needed legislation that it may conform to the changes agreed upon. This work could all be accomplished within two months, and the members would have ample time during the adjournment to confer fully with their constituents and ascertain the views of the masses of the people upon all these important subjects.

If this or some similar course should be pursued, I apprehend that the united voice of the people thus expressed through their representatives would carry such weight that early action could be secured in the Forty-seventh Congress.

With a brief notice of the public library, a recommendation for the reorganization of the "Dakota Historical Society," a paragraph eulogistic of the grand Republic of America—the beacon light of liberty, his excellency concludes with the following:

Allow me in closing this already too extended communication to express the hope that our mutual relations may be most friendly, frank and cordial. And that when the work



committed to our hands is accomplished the well done, good and faithful servant, may greet each and all.

N. G. ORDWAY.

An act was passed to establish a territorial agricultural college at Brookings, but no provision was made for the erection of buildings until 1883.

Bills were passed appropriating \$40,000 for the purpose of erecting a substantial Hospital for the Insane at Yankton, the original wooden structure having been in use for two years and was overcrowded. Forty thousand dollars of territorial bonds were authorized to be issued and sold to defray the expense of building.

Fifty thousand dollars of territorial bonds were authorized to be issued and sold for the purpose of building a territorial penitentiary at Sioux Falls.

School districts were authorized to issue bonds for the purpose of building schoolhouses.

A law was enacted providing for the registration of voters.

There were 143 general laws passed, covering nearly every subject of legislation. And also seventy-six chapters of special and private laws enacted, nearly one-half providing for the construction of county buildings, jails, etc.

This was the fourteenth session of the Territorial Legislature, and accomplished more in the way of legitimate legislation than any of its predecessors. The principal feature of its legislative history was the large number of bills that were vetoed by the governor, and were passed over the veto. These measures were largely local bills authorizing the construction of buildings in counties and also authorizing the issue of county bonds for various purposes, the governor objecting on the ground that the proposed expenditure had not been submitted to a vote of the people. While this was true, it was shown that the matter had been quite thoroughly canvassed, the necessity was urgent owing to the rapid settlement of the counties effected during the past year or two, and the expense, direct and indirect of an election, would equal if not exceed the amount of bonds to be voted. An unprecedented emergency was pressing upon every interest of industry and improvement, and nearly all the members of the Legislature represented a constituency that was hindered in its enterprise for the want of whatever the proposed legislation authorized, hence the unanimity of sentiment among the members in supporting the vetoed bills, though in some cases the veto was sustained, by more than a one-third vote.

In the case of Lincoln County, there would seem to have been abundant public reasons for the passage of the measure which the governor vetoed. The bill, which was Council Bill No. 8, provided for the erection of a jail, and authorized the county commissioners to issue \$5,000 in county bonds to defray the expense. The county had long needed a suitable jail and had been politely censured by the judge of the district for neglecting to provide one. Finally the necessity became so urgent that Judge Kidder issued a formal order directing the county board to build a jail without unnecessary delay. The county had no funds, and doubtless had issued its warrants, as most of the counties had, until their value was greatly depreciated. It was therefore deemed the wisest plan to ask the Legislature for authority to issue a small amount of county bonds, which could be sold at near par, and as an election would have cost about as much as the amount of bonds and would have to be paid in county warrants, which would have further augmented the county's floating debt, no election authorizing the issue had been held. For this neglect the scrupulous governor felt it his duty to prohibit its passage. The Legislature, however, passed it by more than a two-thirds vote over the veto. But the governor was making a record.

The second vote was that of a bill to provide extra compensation for the judge of the First Judicial District (the Black Hills, Judge Moody's district). In the first place, as justifying the bill, the expenses of living and providing for a

family, were at a moderate estimate 25 per cent more in the Black Hills than in the eastern or northern part of the territory, and the presiding judge had more to attend to in his official duties than could be properly considered and heard, and adjudicated in the ordinary time devoted to such matters, and was compelled to give twelve and fifteen hours a day, a great portion of his time to his court duties. The United States court business was enough to employ all a judge's time that he ought to be required to give to matters where just judgment was to be meted out to litigants, but in addition to the United States business was a constantly increasing number of important civil as well as criminal cases, arising under the laws of the territory, which of itself was sufficient in volume to keep the court properly and prudently employed. The lawyers of the hills country appreciated this; they appreciated Judge Moody's ability, his judicial integrity, the superior value of his services which his long experience with the laws of the territory, as lawyer and legislator, and codifier gave them, and they unanimously favored the bill as the just measure and the only proper way to recompense the judge, and a much more consistent and proper course than to raise a fund by subscription, because a subscription by individuals would have been open to the objection that the subscribers would expect in return favors from the court. The judge, however, would decline to receive additional pay from a fund so provided. Governor Ordway vetoed the bill, and had the weight of legal authority on his side. He telegraphed the attorney general of the United States regarding the measures, but stated none of the peculiar and novel circumstances attending the case, and that official replied that such a measure was not desirable and ought to be vetoed but did not base his opinion on the illegality of the measure. The Legislature contained many good lawyers, and the bill was passed over the veto.

While there may have been some opinion that the governor had not been considerate of the energetic conditions prevailing, the general tenor of his veto messages was such as to indicate that the executive was determined to err, if he erred at all, on the right side, and make a record that would better serve to strengthen him at Washington, as a faithful guardian, steward, etc., rather than secure the favor of the Legislature. His subsequent use of the proceedings of this legislative body by parading them in the newspapers and recounting his heroic efforts to withstand the reckless legislation proposed, form the beginning of an estrangement between the executive and the people of Dakota that culminated in his retirement at the end of his term with a reputation very unlike that given him by the New Hampshire newspaper at the beginning of his term.

There were also a great many laws passed and approved for the erection of courthouses and jails and issue of bonds therefor, showing that the demand for such structures was quite general. Among these was an act for Hughes County, another for Kingsbury County, Lake and Turner counties, for Lawrence County, Minnehaha County, Stutsman County. Also school district bonds for District No. 1, Davison County, school districts in Grand Forks County, Grant and Deuel counties, District No. 1, Hughes County, Morton County School District No. 1.

Custer and Forsyth counties were consolidated under the name of Custer. Dickey County was named and defined, also Harding County, LaMoure County, Martin County, Morton County redefined, and Miner County.

Normal schools were located at Alexandria, Hanson County, Madison Lake County, Spearfish, Lawrence County, Springfield, Bon Homme County, Watertown, Codington County. The governor did not disapprove the normal school bills, but used them in his later criticisms as arguments to show the reckless extravagance of the people, and as measures having for their purpose the absorption of public lands. Yet with all our normal schools and other public educational institutions, the territory was never able to supply the rapidly increasing schools with teachers.

An interesting memorial was presented during the session by Councilman Walsh, of Grand Forks County. The secretary of the Interior at Washington

had discovered that the Turtle Mountain band of Chippewa Indians had title to a strip of land in the western part of Grand Forks and Pembina counties, and to all the land in Cavileer, Ramsey, DeSmet, Rolette, McHenry and Bottineau counties. Much of the land had already been taken by settlers. The band of Indians who were found to be the owners of this princely estate numbered not over one hundred persons, and the purpose of the memorial was to induce the Government of the United States to make a treaty with the Indian owners in order that settlers might secure a clear title. The memorial succeeded in its mission. The Indians had composed a portion of a renegade band who were not consulted at the time the treaty was made with the Chippewas in 1864.

President Arthur, by proclamation issued about April 1, 1884, restored to the public domain all the Turtle Mountain Indian Reservation in Dakota, excepting townships 162 and 163 north of range 71 west, which was reserved for the benefit of the Turtle Mountain band of Chippewas.

Rep. Porter Warner, of Lawrence County, presented a memorial to Congress and the President of the United States, for a division of the territory on the 46th parallel of north latitude, and the admission of the southern half into the Union as a state, the north portion to retain the territorial organization, which was passed by an almost unanimous vote.

The laws of 1880, December, allowed sixty days for this session. March 5th the Legislature adjourned.

Hon. Carl Schurz, secretary of the interior, in his annual report for 1880, says:

The Territory of Dakota, having no penitentiary, it has been necessary to transport its convicts to Detroit, Mich., for imprisonment, at an expense of about ten thousand dollars yearly to the people of the territory. The penitentiaries in other territories have been built at the expense of the general Government, and the propriety of making an appropriation for the building of one in Dakota is submitted for the consideration of Congress.

#### REMOVAL OF CAPITAL

The removal of the capital from Yankton had been openly discussed by Governor Ordway for several months prior to the meeting of the Legislative Assembly in January, 1881, which was the first session following his appointment as governor. He began the agitation for a change, and was the first executive to advocate such a measure. His message to the Legislature gives his views and recommendations regarding the location of a more central capital, on a large scale, and he unquestionably had in mind such a location as would be suitable for the state when it was formed which he assumed would embrace the whole territory. It was known that the Chicago & Northwestern Railway Company was building a line north from Huron to a point on Elm River in Brown County, a small tributary of the James River, and the town there located was named Ordway. The governor had early disclosed a friendly interest in the Northwestern, and this site for the new capital of the whole territory was quite central; and owing to the vast country covered by Indian reservations west of the Missouri River, which might remain Indian Territory indefinitely, a point in the vicinity of Ordway would have been, in a few years, as near the center of population, practically, as any, for Northern Dakota was gaining population rapidly at that time. The governor had also a strong partiality for Pierre, probably as a second choice, and during his administration that point had had the honor of being the sub-capital. The governor had an interest in one of its financial institutions, and his son, George L. Ordway, with his partner Mr. Tebbetts, from Denver City, had located at Pierre, and engaged in a general land and townsite business, and young George had been appointed by the railroad company to some influential position in connection with the townsite of Pierre, which had become, to a large extent, the



property of the railway company; and these parties, either as individuals or as a firm, subsequently handled a large share of the executive business pertaining to the organization of new counties, and the location of county seats, which, owing to the rapid expansion of settlements caused by the coming in of so many thousands of new settlers, was the most important and the principal legitimate duty of the governor during the remaining years of his administration, the record showing the organization of no less than forty counties during years 1881, 1882, and 1883, a greater number than had been organized prior to Ordway's term, **from the earliest settlement of the territory to that event.**

In his message to the Legislature, the governor takes occasion to recommend a plan for building a new capital, and it was later ascertained that certain members of the Legislature had gone so far as to form a combination to control the organization of that body in the interest of capital removal. The governor probably understood this, but the plan was checkmated by the skillful and adroit manipulation of the anti-removalists, and the Legislature finally organized in such a manner as to be practically independent of the governor, and the subsequent proceedings of the Legislature indicate that this was the case, for while the governor vetoed a number of bills, the organization was strong enough to override the veto in most cases. The cause of the failure of the plan of the removalists was probably due to the refusal of the legislators engaged in it, to consent that the law should be one that would give the governor practical control of the location as well as the patronage connected with the enterprise. At all events it failed for the time being, and the members of the Legislature went ahead and enacted laws, apparently indifferent to the governor's views regarding them, feeling secure in their strength to pass their measures regardless of the governor's objections. The subject of capital removal had also been discussed to some extent, late in 1880, by the newspapers, but the expressions, while admitting that a change would have to be made in its location, the time had not come when a satisfactory relocation could be made, owing as has been before remarked, to the pell-mell condition induced by the rapid and unprecedented inflow of new settlers who were coming in by many thousands, and invading the unoccupied lands in all sections. It was disclosed at this time that the people of Pierre had an ambition to make their place the capital city, and it was also discovered that its ambition was quite strongly encouraged by public sentiment that would doubtless support its aspirations when the time for a change was more opportune.

The session of the Legislature, however, was not disturbed by the question, nor did anything transpire save the governor's message and vetoes, many of which were based on substantial reasons, to awaken unpleasant feelings, and even these incidents becoming so frequent, and so easily overcome, aroused more of mirth than of indignation. Under the circumstances prevailing, the session was a very harmonious one, and accomplished as much if not more in the line of important and necessary legislation than any single session during the territorial era. Its members devoted more time to legislative work than had those of former bodies, and in excellence and completeness, as well as in volume, and in providing for the exigencies of the times, their accomplishments were highly commendable. The governor knew this to be true, and did not object to having it credited to his administration.

The citizens of Yankton tendered and provided a banquet to the governor and the legislators during the session, at which ex-Gov. Newton Edmunds presided, and made an address referring to the friendly relations existing among the members of the law-making body, and the valuable legislation that was being enacted. Hon. James A. Harding, speaker, made a very excellent speech, as did also Hon. Geo. H. Walsh, the president of the Council. Governor Ordway occupied the chair of honor by virtue of his office, and made the closing address. He alluded to the remarkable growth of the territory and the great pleasure the early pioneers must feel in the present situation throughout Dakota, and the fact that throughout its career, from the time their footsteps followed close upon the



moccasins of the retreating savage, there had been no lawlessness or disregard of the laws of the land. It was a proud distinction the people of Dakota enjoyed that there has never gone up a complaint against them that they in the least had entrenched upon the reserved rights of the first owners of the soil. His excellency concluded with a commendatory allusion to the feeling of amity existing between the people of all sections of the territory.

Hon. Bartlett Tripp was one of the speakers, and on behalf of the citizens of Yankton spoke of the pleasant associations and cordial friendships formed between the citizens of Yankton and the members of the legislative body, and the strong social, commercial and political ties existing between people of all parts of the territory.

Mr. Walsh said the members of the Legislature heartily appreciated the cordial friendship and generous hospitality that had been extended to them during the session. In returning to their homes they would carry with them the liveliest feelings of friendship and regard for the people of the capital city.

Other speakers were Hon. John L. Jolley of Vermillion, Hon. J. A. S. Martin of Pennington County, Hon. F. P. Wells of Stutsman County, Hon. Albion Thorne of Minnehaha County, Hon. J. O. B. Scobey of Brookings County, ex-Governor Pennington and Hon. George H. Hand. As Yankton had not been accustomed to entertaining the legislative bodies in this public manner, it was surmised that the occasion was designed as "a flow of soul" and a "feast of reason" why the capital ought not to be removed. But the project of removal was not abandoned and was renewed with better success at the next biennial session.

After the adjournment of the Legislature, Governor Ordway visited Washington, and soon after his arrival there, late in March, he submitted a statement to the public in the form of an interview, which was designed to explain the disagreements which had been so marked between himself and the Legislature during the recent session. The statement as it appeared was in words following:

#### ORDWAY INTERVIEW IN WASHINGTON

When I went to Dakota I was requested by President Hayes and members of his cabinet not to write letters and make recommendations in behalf of candidates, for the reason that they desired to confer with me in regard to them. I have, therefore, refrained from signing petitions, or otherwise taking part in the appointments of the territory, except as above stated. The postmaster general made an order that when there were changes made in important offices, notices of the proposed changes should be sent to me, as well as the delegates, for advice. I also received general instructions to communicate freely with all the departments in regard to the Federal service in the territory, and have done so. The secretary of the interior has written and telegraphed me frequently in regard to the standing of men whose terms of office had expired, and also as to candidates for their places. I have not attempted to control the patronage of Dakota, but have given my views freely when asked, and acting upon the President's request, have endeavored to assist all other departments of the Government and protect the settlers from frauds upon them. My aid has also been extended to Federal officers in the territory in the effort to reform the public service, which was sadly necessary, owing to the combination of ring thieves and land sharks. In these efforts I came into contact with the Dakota Legislature, and first in this way: The chairman of the board of county commissioners of Lawrence County called my attention, while I was in the Black Hills last July, that a bill passed the Legislature in 1879, funding the outstanding indebtedness of the county, which was about one hundred and fifty thousand dollars, and for the issuance of \$350,000 of bonds, a glaring fraud of \$200,000 upon the people. When the Legislature of 1881 convened, the members informed me that a large number of funding bills and bills for bonds to build courthouses, jails, and bridges, and give aid to railroads, were prepared. I gave everybody timely notice that I could not approve such bills unless the question of issuance of bonds was submitted to the people, and came within  $7\frac{1}{2}$  per cent of the assessed valuation of the county. They went ahead and passed and I vetoed them. Some of them were most outrageous in their character. The result was that they were nearly all amended by supplementary bills, and the amount of bonds to be issued which the people are not to vote upon is only about one hundred and fifty thousand dollars, which were forced through over my veto before better counsels prevailed. The public credit of the territory is good. In my course I claim to have had all along the support of the best business men and tax payers of the territory. In Yankton,

and while the Legislature was in session, I was waited upon by nearly every business man and prominent citizen and urged to stand by the prominent position I had taken. Also, in the Black Hills, I was supported by everybody. I have got to know of a Southern member of United States official who disagreed with me.

It is remarkable that Ordway's predecessor, Governor Howard, had no such requests or instructions from the President or Cabinet of President Hayes, and it will not be denied that it was not for lack of fitness for the position, for on the scope of equipment and experience for public station Ordway was not to be compared with Howard, who was a ripe statesman, and a scrupulously honest man, who knew thoroughly what duties were demanded of him as governor. There was no reason, no cause whatever, why the President and Cabinet should have taken Ordway into their confidence and instructed him to interfere in the matters he mentions. There had been no complaint against the territorial officials, the postmasters were satisfactory everywhere and no grievance was felt in that department of the public service. The scandals of extravagance and dishonesty that grew up under the Ordway administration, fostered by his intrigues and sordid schemes, were something new to Dakota, and one is constrained to believe that Ordway deliberately misrepresented the matter, and as vanity was a prominent element in his character, he gave such statements to the public through the newspapers as a means of extolling his own importance.

President Hayes appointed Governor Howard, with whom he was personally acquainted, on his own motion, knowing his qualifications and his character. Ordway he did not know, but took him on the recommendation of Vermont and New Hampshire senators, who, report stated, were anxious to get rid of him. He was a meddlesome man. He was prone to laud his own efforts for better government in his speeches and through the newspapers, but his example was pernicious and demoralizing. He was responsible for the corrupt conditions and hurtful sentiment that he afterward complained of. He did not find them in Dakota when he came here; and it is morally certain that if such conditions existed under Governor Howard, his predecessor, that official would have recognized it, and left some evidence regarding it.

#### CALDWELL'S INTERVIEW WITH ORDWAY

E. W. Caldwell was the editor and owner, or part owner, of the Sioux Falls Pantagraph in 1880, and he had a visit from and an interview with the governor during the year, which was the first year of Ordway's administration. Caldwell did not make public the subject matter of the interview for nearly two years later, when he decided to publish it. It is well to remember that this interview and statement by Governor Ordway was prior to the Legislature of 1881, concerning which Ordway afterward takes occasion to allude to as the source from which grew all the opposition and unfavorable comment he met with from the people of the territory. His statements to Mr. Caldwell leave no doubt that he had formed a corrupt plan in his own mind by which he expected to control the politics of Dakota by building up a corrupt political machine with the federal patronage he expected to control, with himself at the head. And he expected to be able to have his machine in working order when the Legislature of 1881 convened, when he would be enabled to provide for removing the capital on the lines laid down in his message to that Legislature, and control the legislation of the session. But the leading influences in the Legislature had been apprised of his schemes: a counter-combination was formed strong enough not only to checkmate the executive, but to override his vetoes, which were anticipated, and enact laws without his approval.

Following is the text of Mr. Caldwell's statement, with his preface explaining why he had delayed making it public:

Common honor would dictate that under ordinary circumstances any fact or set of facts, coming into the possession of an individual as a matter of confidence should be sacredly

kept by that individual, even though the facts be those the public should know. But the obligation may be considered removed when the person directly affected by the facts himself disregards the principle stated, and peddles to the public that which he says, either truly or falsely, came to him in the nature of a private and confidential conversation. For a long time the gentleman who is now editor of the Press has been in possession of facts affecting the integrity of N. G. Ordway, governor of Dakota, which came to him by unworthy propositions made to him by Ordway. In all the bitterness of the campaigns against Ordway, these facts have not been given to the public, because they were regarded as, of course, matters of confidence. But N. G. Ordway has forfeited all right to considerations of that kind by detailing what he declares was a private conversation, but which we believe to be a lie—this making no difference, however, as to the forfeiture of any right to considerations of the sanctity of a private conversation. Therefore, in order to let the public know more fully, if such a thing be possible, the sort of a miserable rascal who has been inflicted upon Dakota, we purpose relating, without color or distortion, the facts regarding the propositions made by Ordway, referred to above.

At the time of Ordway's first visit to Sioux Falls, he requested a conference with the editor of the Pantagraph, the writer hereof. Most of this conference was held on the veranda of the Cataract House, and it lasted until probably 1 o'clock in the morning. By degrees it led up to propositions and statements of which the following is a truthful synopsis:

Ordway said that of course it was no object to him to come to Dakota simply to be governor, because the salary was so much less than he could make elsewhere; but he recognized that there were opportunities here for making lots of money on the outside, and these opportunities could best be improved by making a coalition of forces in different parts of the territory. "I have," said he, "full power in the matter of Federal appointments in Dakota, and will have you made postmaster of Sioux Falls, and there can't be anybody appointed for anything unless I say so. It doesn't make any difference to me who is next President, for I am just as solid with Hancock as with Garfield and will control things anyway. The fact is, I wasn't in politics in Washington twelve years for nothing. You haven't any idea of the number of leading public men who are in my power. When I was sergeant-at-arms of the lower house of Congress I was practically the banker of the members, as they had to draw their salaries from me. Well, the number of them of both parties who sent checks to me for disreputable purposes by disreputable persons, gives me an absolute hold on them. None of them dare oppose me, for I have my thumb on them. Some of them are now senators, and others occupy high positions in the Government. By this means we could depend upon controlling appointments in this territory, whichever party wins. I want a newspaper in Sioux Falls, and also want to make arrangements to take into the combination some one or more leading citizens. In going about over the territory I will make similar arrangements in other localities, and we can organize affairs so as to have everything our own way.

"And furthermore," said he, "I will see to it that a project for organizing militia companies throughout the territory is passed by the Legislature, and I will have the appointment of the commissioned officers, and this will put them under our control, and through them we can control the men, which will be a great power when it comes to caucuses and elections."

And these are some of the plans laid out by N. G. Ordway nearly three years ago to blackmail and worm himself into power and fortune and to debauch the politics of this territory. He succeeded in some places in making the coalition which he hoped, but Sioux Falls has not been one of the towns he could count on. It seems, also, that his thumb was not so securely upon the public men of this country as he supposed, and that he did not succeed in controlling the Federal appointments in Dakota by the system of blackmail upon which he had depended. A knowledge of the purpose to which he sought to prostitute these appointments led to an especial warfare thereon, and the result was that he did not have that exclusive swing upon which he counted.

However, with that persistency which is a peculiar trait in Ordway's character, he continued his efforts for forming coalitions for the purpose of profiting by the prostitution of his position, with what success is only too well known to the people of this territory. He has plotted and connived in every possible direction—bribed legislators in some instances by promising support for their measures, and intimidating others by threatening a veto if his schemes were not carried out. He has compelled proprietors of prospective county seats to give him an interest in their town-sites before he would take official action for the organization of their county; he demanded of the Legislative Council the confirmation of his son as territorial auditor, in order that he might have control of the finances of the territory; he concocted, or fell in with, a scheme for the removal of the territorial capital, in order that he might profit by a real estate speculation connected with its relocation. Verily, to be governor of Dakota was no object to him, as he declared.

The editor of the Press and Dakotaian was approached by the governor at Yankton, about the time of the assembling of the Territorial Legislature in 1881, with a proposition similar in all respects to that made by the governor to Mr. Caldwell, including the postmastership. The proposition was declined, but it was discovered that the governor was planning to build up a political faction



which he could in a measure control, and thus gain a potent voice in the important political matters affecting the division of the territory and the admission of the state, which up to this time had been denied him. His attempt, a few months later, to get control of a convention through his Fargo conference was in line with this plan.

The first notes of the inharmonious relations existing between the governor and some of the leading political leaders of the territory were heard through Ordway's interviews following his scandalous reports concerning the reckless extravagance of the Legislature, and the "rings and land sharks" that infested the territory, and with whom and against whom he was waging a valiant contest. He had met with an early rebuff from Pettigrew, whom he had approached with a proposition to unite their forces and control the politics and political patronage of the territory, and it was authentically reported that Pettigrew at that interview advised him to resign his governorship as the surest way of doing something that would please the people, which advice greatly offended his excellency, and he thereafter openly exhibited his animosity toward the delegate, and made it a part of his business in Washington to oppose Pettigrew's recommendations and legislative measures. For several months or a year after this contest between the governor and delegate had been observed, the press and the people of the territory, and even in Mr. Pettigrew's own county, were about equally divided in their support of the governor and delegate. Ordway's plausible explanations, which were regularly published, were credited by many; he had succeeded in retaining the support of former Delegate Bennett, who, since his retirement from Congress, had been giving the governor his moral and intellectual support at Washington, probably expecting that the governor could reciprocate by securing an office for him through the influence he possessed with those members of Congress he had shielded from ruin while he was sergeant-at-arms of the House, and which he had portrayed so graphically in his interview with Mr. Caldwell.

While Mr. Pettigrew had been elected by an overwhelming majority, this might have indicated nothing more than ordinary party loyalty. Ordway understood the political conditions, the rivalries, in the territory, which were of a piece that existed in every state and territory. The man behind the ballot who voted for Mr. Pettigrew may have been a very ardent supporter of Bennett, or of Raymond, or Kidder, before the nomination, and predicted great disaster in case of Pettigrew's selection. But when the convention had uttered its voice this conflict ceased, not to be renewed until the next campaign. And there were already rumblings of active strife audible to those who kept their ears to the ground. It was not, therefore, at all remarkable that during the first year of Pettigrew's term, with Ordway's obtrusive meddling in his duties, and Ordway's frequent plausible communications to the public through the newspapers, in which he was observed to be acting by request of the President and his cabinet, that a large number of Dakota newspapers, and a larger number of people who had been identified with the anti-Pettigrew element before his nomination, felt like sustaining Nehemiah.

Ordway was the first and only governor of Dakota Territory that essayed to usurp the duties of the territorial delegate to Congress. Governor Burbank lived at Washington a large portion of the time while he was governor in attendance upon his brother-in-law, Senator Morton, who was a cripple, and needed assistance in getting to and fro in Washington. His trouble was a paralysis of his lower limbs. Dakota had a democratic delegate a large part of Burbank's term, who found Burbank's assistance at times helpful, and they worked together harmoniously. In the matter of appointments Armstrong purposely kept aloof, claiming no recognition, and Burbank, with the aid of his senatorial relative, was instrumental in selecting a number of federal officials, though invariably from the Hoosier state, which the senator represented. But Burbank uniformly treated the democratic delegate with the consideration due to his position as the agent



and representative of the territory both in Congress and at the several departments. Mr. Armstrong proved one of the most useful and profitable of Dakota's long list of delegates.

Ordway frequented Washington also, not by invitation of the people or the delegate, but apparently with the purpose of usurping the duties of the delegate and obstructing him in the discharge of his duties. Instead of endeavoring to allay factious troubles in the territory, he endeavored to build up a faction with himself as leader, and this was his policy during almost his entire administration. He seemed to measure every movement for the progress of the territory by the effect it would have upon his own political fortunes, and to justify himself at Washington for his interference, he was obliged to represent affairs in Dakota in such a demoralized condition as to justify his assumption of the duties of the territory's lawfully chosen agent. Congress had appropriated \$50,000 for a federal and territorial penitentiary—not an unusual donation, for a similar appropriation had been made for the other territories. This money Ordway endeavored to get control of, and in order to effect it he was obliged to disparage the trustworthiness of the people he had been appointed to govern under the law—a people who had made Dakota a great and prosperous subdivision of the United States, and which Ordway had not lifted a hand to favor.

Mr. Pettigrew, who was delegate during two years of Ordway's administration, was not one who would submit to the governor's officious interference without resenting it, and this he did in the most emphatic manner. The result was a constant conflict between these officials during Mr. Pettigrew's term, which must have worked injuriously to the interests of Dakota and in a measure neutralized the efforts of the delegate, who was disposed to represent and promote the best interests of the territory, and was never criticised for neglecting them. His constant warfare with Ordway, however, which should have been to his credit, aided in a measure to embitter factional differences, which, coupled with sectional influences, overthrew him after his first term.

Ordway was at Grand Forks at the republican convention of 1882. He secured the special train that carried a portion of Mr. Hand's friends to the convention, and was counted as one of Mr. Hand's supporters. He made himself conspicuous there, not as a Hand supporter, but as a foe to Pettigrew. He did not appear to care much who was nominated if Pettigrew was defeated; and when it was established by the proceedings of the convention that North Dakota's delegates largely had made a league with Pettigrew's forces, to defeat Hand and nominate Raymond, Ordway, who was present in the convention, excitedly exclaimed to Mr. Hand's friends: "Why don't some of you Hand men get up and move to nominate Raymond by acclamation, and thus defeat Pettigrew?" As the Hand men felt that they had been sold out, they did not take kindly to the governor's suggestion.

Governor Ordway states that the President and his cabinet requested him to report upon the fitness of persons recommended for appointment to federal office. The reader need not be cautioned regarding the truth of this statement. It had never been the custom of the presidents to employ the executive of the territory for such a purpose. They were aware that it would be demanding of the executive a duty foreign to his sworn duty as governor. They were intelligent enough to understand that such services were required of the lawful agent of the territory. If any such order as the governor tells of by the Postoffice Department that proposed changes should be sent to him for advice, it may be set down as a fact that such order was issued at Ordway's solicitation. The position of delegate to Congress was provided for in the organic act, the same law that provided for the governor. The duties of the delegate were to represent the people of the territory at Washington, to inform Congress, the President and the heads of departments of the conditions and needs of the territory. He was the only officer authorized by law to so represent the territory. Petti-

grew had resided in Dakota a dozen years and was widely acquainted. The governor's duties were confined to the Territory of Dakota, where he was to see that the laws were faithfully executed, and to recommend to the Legislative Assembly such measures as were needed to cover new and changed conditions. He was also expected to make an annual report to the Department of the Interior of a character similar to the message given to the Legislature, in order that the secretary might include in his report to the President matters of interest connected with the territory, and the President in turn would, if he deemed them of sufficient importance, include the substance of them in his annual message to Congress. Postmasterships, nor any other appointments, were alluded to in these several reports.

The President and his cabinet never intended to encourage the governor to supplant the delegate; to take from the delegate his legitimate and lawful duties and turn them over to another official. The President and his advisers would not even tolerate the interference of the governor with the duties of the delegate, much less advise it, for they would have known that such a course would lead to conflict that would be of great injury to the welfare of the people, and cause a strife where harmony was demanded. Ordway came to Dakota a stranger, and the claim that all this confidence was reposed in him by the President before he had set his foot upon Dakota soil, and when there was not the slightest pretext for it, is preposterous. Its shallowness and hypocrisy appear when these conditions are examined. The President and his cabinet knew that the territory had an agent, given to it by law, a delegate who was authorized to look after all its interests, and they would not gratuitously offer him such an unpardonable indignity as to advise the governor, whom they must have known was not even in his official field when in Washington (for he was not then governor, but his office was filled by an acting governor), to interfere with the duties of the delegate.

Governor Ordway's predecessor, Governor Howard, had given the territory a wise, prudent and honest administration, and he had found no fault with the people; had not discovered their reckless extravagance, nor proneness to dishonesty. The Lawrence County case was entirely exceptional and stood alone. There was nothing wrong in the legislation which authorized the funding of their great burden of indebtedness. It was a wise and necessary measure. The county, and Deadwood, its principal settlement, had been overrun largely with a heterogeneous population almost within a couple of months. About eight thousand people, largely men, had gone in there allured by its rich gold fields. The county had been the theater of an Indian war which necessitated calling out the militia and equipping them, disastrous floods had played havoc with the mountain roads and numerous bridges, and finally came the disastrous fire which wiped out millions of dollars of property. All this before Ordway came upon the Dakota stage, but which he might have learned while at Deadwood in the fall of 1880 securing data for the scandalous picture he gave to the world regarding the affairs of the unfortunate community. Whatever had been done that was fraudulently consummated had been ferreted out or was in process of being brought to light by the law-abiding people there, who were as largely in the majority as in any of the counties. The expenditures of the county had been heavy, and to a great extent necessarily extravagant where payment was made in county warrants, but this had been the case with nearly every county in the territory in its early career. These conditions are not even hinted at in Ordway's interviews. He leaves the inference that a system of rascality was at the bottom of nearly everything in the territory.

Governor Ordway early disclosed a predilection for publicity, and the general tenor of the intelligence he gave to the newspapers was egotistically pessimistic and tinctured with scandal. Unfortunately, he would neglect to speak of anything or many things that were highly creditable to the people, but never grew weary of telling of their imprudences and faults, and how he had stood alone as

a sentinel guarding the good name and upholding the standard of probity in the territory.

To such an extent did he inveigh against the management of public affairs that the people became indignant and resented his slanderous imputations by formal resolutions at their public meetings, and in some cases demanded his removal. According to Ordway's own story, he was sent to Dakota as a spy and scavenger with the governorship as a tail to his duties.

Ordway wrote to President Arthur, or claimed that he did, under date of December 10, 1881, concerning Dakota matters, as follows:

When I addressed you a communication a short time since relating to the necessary steps preceding statehood, I confidently expected to reach Washington before the holidays for the purpose of paying my respects in person. Also that I might be able to lay before you the alarming financial and political condition of affairs in this territory.

Following this the governor referred to several counties in the territory as illustrations of his statement that Dakota affairs were in an "alarming financial and political condition," and then speaks of his interference with federal appointments, and says:

I also felt constrained to differ with the delegate, who, backed by certain attorneys for persons indicted by the United States Court, seemed determined to prevent the reappointment of Chief Justice Shannon, an able and fearless judge, and so far as I have been able to learn, upon a full statement of all the leading cases, reciting the necessity of Judge Shannon's reappointment, made and signed by Hugh J. Campbell, United States attorney, in whom I have full confidence, I endorsed Judge Shannon for reappointment.

The protest against Shannon's reappointment to which Ordway refers came from the attorneys of the Second Judicial District, and included nearly all of them. The cases against the persons indicted by the United States Court, to which he refers, were the remaining "Livingston cases," which the defendant had been urging that they be brought to trial, but which the court and the prosecuting attorney had already determined would not be brought to trial, and for reasons best known to themselves no move had been made regarding them for more than a year. It is possible that these cases had been kept on the calendar for the purpose of having them to exhibit as pending and affording strong grounds for Shannon's reappointment. The petition of the attorneys practicing in Shannon's court will speak for itself.

As a matter of personal interest, Shannon had become quite a strong supporter of Ordway, and the governor might have been influenced in his support of Shannon by the reflection that a friend at court would be a valuable auxiliary.

Judge Peter C. Shannon had held the office of chief justice of Dakota Territory for eight years when in the fall of 1881 his second term expired. His second term had not been marked by that friendliness, respect and confidence that should exist between the presiding judge and the members of the bar practicing in his court, but on the contrary, there had grown up a feeling of distrust toward the judge, and an entire and a total lack of confidence in his official integrity. As Judge Shannon had made application for a reappointment for a third term, and had the assistance of Governor Ordway and some influential eastern senators, the members of his bar felt that they would be justified in openly opposing the reappointment, and in order to justify their action before the people and the appointing power at Washington, drew up, adopted and signed, at a meeting held for the purpose, a list of charges. These charges were adopted by the Yankton Bar Association on the 25th of March, and were filed in the Department of Justice. These charges contained seven specifications, wherein the judge was charged with:

Insulting attorneys and parties in open court.

Offensive partisanship in criminal cases.

Has endeavored by threats and other coercive means to secure endorsement of attorneys for reappointment.



Has been publicly intoxicated, and the habit has grown on him.

With writing fictitious letters.

Signed, S. L. Spink, president bar association; E. T. White, secretary; George H. Hand, Bartlett Tripp, J. R. Gamble, E. G. Smith, I. E. West, S. A. Byles, Oliver Shannon, R. J. Gamble, E. L. Fletcher, L. B. French, C. J. B. Harris, G. M. Fay, A. C. Davis, and S. H. Gruber, members of the Yankton County Bar Association.

Monzo J. Edgerton, of Minnesota, was nominated chief justice of Dakota Territory, to succeed Peter C. Shannon, on the 21st of December, 1881. Mr. Edgerton was serving as United States senator from Minnesota at this time, having been appointed to that position by the governor of Minnesota to succeed Senator Windom, who had been appointed to a position in President Arthur's cabinet. Judge Edgerton reached Dakota a few days later, and entered upon his official duties on the 3d of January, 1882.

#### THE NORTHWESTERN

The Dakota Central Railway crossed the Big Sioux River in Brookings County and temporarily halted at Volga, while the grading was being energetically prosecuted on the survey west. The Village of Brookings, and also Volga, were founded in 1879, and as a large number of settlers had gone ahead of the railway track and selected claims farther west, these villages enjoyed quite a lucrative and active business outfitting new settlers. DeSmet, Kingsbury County, and Cavour, Beadle County, were founded in 1880 early, as well as Huron, and some months in advance of the railroad.

The railroad company surveyed the townsite of Huron during the last week of April, 1880. The track had not reached as far west as the James River at the time, but the company had made it the end of a section of their line, and laid out their roundhouse and machine shops, and a few adventurous men were on the ground, secured lots and began building early in May. Their lumber was hauled from Volga on the Big Sioux, but the distance would be lessened within a short time by the completion of the road to DeSmet, thirty-four miles away. One enterprising party had arranged to start a lumber yard and intended hauling his stock from the cars when they arrived at DeSmet.

The need of a county organization to start things going right was unanimous, but where to get the necessary number of petitioners was a puzzle just early in May. A petition was started, however, and forty-seven names were secured in and around Huron and north, and there were said to be a number more at Wessington Hills, in the western part of the county, but after securing the names (fifty were required under the law) it was discovered that nearly all were not eligible to sign because they were not legal voters, not having resided in the territory the required time. The organization plan was therefore put off for the time being.

The railroad bridge across the James River at Huron, completed in June, 1880, was the longest and highest railroad bridge in the territory. The town was one mile from James River and within four miles of the center of Beadle County (not then organized).

The railway reached Huron, on the James River, about 12.30 o'clock M. on June 25, 1880. The residents of the town, who had been given the sobriquet of Huronites, gathered at the place where the depot was to be built, and as the train came up gave three hearty cheers in token of welcome, and otherwise indulged in such ceremonies as are pertinent and popular on such occasions, and such as betray a fullness of joy too abundant to be suppressed. Huron has been doing much in the way of town and territory building ever since that eventful day. *She is a credit to Dakota.*

The company built from near Volga, Brookings County, north up the Big Sioux Valley to Watertown in 1880. From Watertown the company had projected a line west to the James River.



The Chicago & Northwestern Company surveyed thirty miles of its proposed line along the Bad River Valley toward the Black Hills, making its starting point opposite the new Town of Pierre; and considered the construction of seventy-five miles of the road during the year. Soundings were also made in the Missouri River for a bridge at that point.

The Northwestern Stage Company, then operating a line of stages from Bismarck to the Black Hills, put a line of stages on the Pierre route in the fall of 1880. The company erected stations every twelve miles, and put up about eighteen tons of hay at the several stations.

The Chicago & Northwestern Line from Hawarden to Centerville and Iroquois was surveyed during the summer and fall of 1881.

The grading of the Northwestern Line from Watertown to Clark, half way to Redfield, was finished in 1881.

The Northwestern Company extended its line from Ordway to Columbia, the county seat of Brown County, in 1882-83.

The Hastings & Dakota Division of the Milwaukee Railroad had been graded during the year, from Ortonville, Minn., at the foot of Big Stone Lake to Aberdeen, eight miles west of the James River. The track had been laid to midway between Webster and Bristoll, about sixty miles. The James River Valley Branch had been graded sixty miles north of Aberdeen, and forty miles south. It was claimed that the line would be completed to a point on the Northern Pacific Railroad, in Kidder County, the year following. At Milbank Junction, on the Hastings and Dakota, a branch line had been built up the Whetstone Valley for thirty miles and the track laid to Wilmot, seventeen miles.

The Village of Dell Rapids in Minnehaha County voted aid to the Southern Minnesota Railway Company, in 1880, amounting to \$12,500 in village bonds, bearing 7 per cent interest and having twenty years to run. The election appears to have been held without lawful authority, and at the legislative session of 1881, the election and issue of bonds was legalized, and further authority given to the village to issue bonds due in ten years, bearing 7 per cent, amounting to \$2,500 to defray the expense incurred by said village, in procuring the right-of-way for said railroad.

## CHAPTER LXXXVI

### PRESIDENT GARFIELD ASSASSINATED—CHESTER A. ARTHUR, PRESIDENT

1881

PRESIDENT GARFIELD ASSASSINATED—CHESTER A. ARTHUR BECOMES PRESIDENT—  
MISSOURI RIVER IMPROVEMENT—THE CENTRAL PACIFIC RAILROAD IN DAKOTA—  
DAKOTA CONTRIBUTES A COUNTY TO THE ENTERPRISE—SPOTTED TAIL KILLED BY  
CHIEF CROW DOG—CROW DOG'S TRIAL—OUR FIRST ARTESIAN WELLS—PAUL  
BOYTON'S VOYAGE DOWN THE YELLOWSTONE AND MISSOURI RIVERS—BRAVE  
BEAR HANGED FOR KILLING A WHITE MAN—SIOUX CITY'S RELATIONS TO DAKOTA—  
FORT PIERRE INVESTIGATED—A LIVELY FRONTIER HAMLET—MCALL KILLED  
"WILD BILL" HICKOK—HANGING OF MCALL—BROWN COUNTY—ABERDEEN  
FOUNDED—NEW RAILROAD CONSTRUCTION.

#### PRESIDENT GARFIELD ASSASSINATED

Hon. James A. Garfield, President of the United States, was shot down and mortally wounded at the depot of the Baltimore and Potomac Station, on the morning of July 2, 1881, a little less than three months after he had been inaugurated President. The assassin's name was Charles Gilleau, as it was given at the time and as he had written it, but later it was found that his name was Guiteau. The following dispatch from Secretary of State Blaine, which was immediately cabled to foreign ministers, gives the particulars:

Department of State, Washington, July 2, 1881.

James Russell Lowell, Minister, Etc., London:

The President of the United States was shot this morning by an assassin named Charles Gilleau. The weapon was a large sized revolver. The President had just reached the Baltimore & Potomac station, at about 9.20 o'clock, intending, with a portion of his cabinet, to leave on the Limited Express for New York. I rode in the carriage with him from the executive mansion, and was walking by his side when he was shot. The assassin was immediately arrested, and the President was conveyed to a private room in the station building, and surgical aid at once summoned. He has now, at 10.20 o'clock, been removed to the executive mansion. The surgeons in consultation regard his wounds as very serious, though not necessarily fatal. His vigorous health gives strong hopes of recovery. He has not lost consciousness for a moment. Inform our ministers in Europe.

JAMES G. BLAINE, Secretary of State.

The assassin claimed to be a Chicago lawyer, and was known in that city, but was not at all prominent. He was an eccentric man, thought by some to be half demented. When arrested, or just after firing the shots, he said "I did it and want to be arrested. I am a stalwart, and Arthur is President now." This declaration had reference to the prevailing political situation in the republican party, which, owing to disagreements with the administration had given birth to factions, the opponents of the administration policies being termed "stalwarts."

The President suffered much during his illness, and despite the most skillful treatment, died on the 19th of September following the shooting. Chester A. Arthur, the vice president, who was then in New York, took the oath of office there, and repaired to Washington, President of the United States. Gilleau or Guiteau was tried for the crime of murder in the United States Court at Washington, found guilty, and executed.

This lamentable occurrence cast a shadow over the nation, which remained during the long illness which followed the shooting, and the public mind was to a great extent engrossed with the subject. It had its effect in Dakota, where plans were maturing for securing the division of the territory, and it likewise was observable among congressmen and the country's public servants in other capacities, who seemed to have lost interest in every public matter except the physical condition of the suffering President. Garfield was affectionately regarded by the people.

Senator Saunders, of Nebraska, speaking of Dakota matters at the time, said:

During the past session of Congress I was instrumental in introducing a bill for the division of Dakota into two territories, with an eye to the admission of the southern part of it into the Union as a state. Owing to the deadlock arising from the Conkling-Garfield troubles, and the press of other public business, we did not reach it. Early in the coming session it will come up, and I am of the opinion that Dakota will be divided and the southern part of it made a state of the Union.

#### MISSOURI RIVER IMPROVEMENT

The rapid settlement of the Missouri Valley and its tributary country in Dakota and Montana had awakened a desire among the big river cities below the Dakota Line to share in the prosperity which accompanied the rapid development of the northwestern agricultural interests, the major portion of which had already been captured by the aggressive movements of the Chicago and Milwaukee and also the St. Paul and Minneapolis Railroad interests. The restoration of the Missouri as a commercial channel offered a way by which the City of St. Louis, Kansas City and nearer points could hope to divide at least this promising commerce and trade with the railway lines which were at that time actively extending their tracks not only into the settlements but far beyond the outposts, the iron horse having in fact become the pioneer in Dakota, now beginning to be viewed as the wheat garden of the United States in the future. Accordingly in December, 1880, an interstate meeting was held at Kansas City for the purpose of considering this subject. One result of the gathering was the formation of the Missouri River Improvement Association, with Col. Hersey Coates as president, a prominent leader of Kansas City enterprises, and H. J. Latshaw and E. O. Stanard, of St. Louis, as vice presidents. The declared purpose of the organization was the securing of appropriations from the National Government, for the improvement of the Missouri River. A prior convention had been held in Kansas City in October preceding for the purpose of arranging for the establishment of a barge line to navigate the river; a company had been organized for that purpose and had already a subscribed capital of \$130,000. The river improvement organization was an outgrowth of that gathering. Here we have the beginning of a work that has since enlisted the best efforts of the people of Dakota aided by the people of the great valley, and in aid of which the Government has appropriated and expended many millions of dollars. The work is still going forward; but the railways have managed to control the great bulk of the trade nevertheless, and bid fair to hold their advantage as long as they are able to meet the demands of the constantly growing commerce. But a day is anticipated when the railways will be inadequate to carry away the vast product of northwestern farms and herds, and instead of aiming to depend upon rail carriage will be compelled to turn to the river to float away the surplus, as has been the case in the populous regions of Europe.

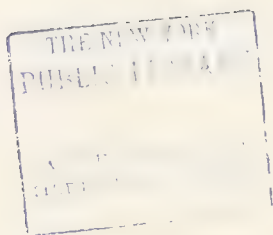


CHAMBERLAIN ARTESIAN WELL,  
TERRACE COUNTY



GAS AND WATER ARTESIAN WELL, INDIAN  
SCHOOL, PIERRE





From the valuable statistics furnished at this meeting it was learned that the Missouri Valley country proper contains 215,000 square miles, and at that day had a population of 4,000,000. Its stable wealth was \$700,000,000, and it was producing annually a half a billion bushels of grain. The memorial to Congress demanded a survey of the entire river to Fort Benton, the removal of snags, the deepening of the channel, the protection of the lands bordering the river from the damaging erosive action of the water. It also asked for the organization of a permanent Missouri River Improvement Association to promote whatever pertained to the improvement of the river and the interests connected with its navigation as a commercial channel.

The disastrous floods that mark the annual breaking up of the western rivers have been the subject that has elicited the attention of the Government for many years. Western people are familiar with this general subject, and with the efforts that have been made, from time to time, to provide some method of preventing the serious results that accompany the annual overflow of our great rivers, results which include human life, the destruction of material property of such prodigious value that it defies computation, and the irreparable loss of still greater moment of vast areas of our most productive lands. Many millions of public money have been freely provided by Congress for the purpose of preventive remedies to ameliorate, if not entirely prevent, these woeful events, and the best engineering skill the country possesses has been employed to direct the expenditure of these funds, but we still have the floods and continue to pay our annual tribute in life, suffering, wrecked homes and fortunes and fruitful acres to the devouring and insatiate element of destruction.

In 1881 more than usual attention was directed to this subject following the unprecedented floods of the year. A Mississippi River improvement convention was held at St. Louis, and following that a separate convention was called and held at Kansas City, Mo., for the purpose of considering more immediately the subject of improving the Missouri River.

At the earlier convention held at St. Louis, Mr. L. E. Cooley, of the United States river survey, advocated the necessity of improving the Missouri River for the purpose of showing that the success of any plan for the improvement of the Mississippi depended upon a prior and similar movement to improve the Missouri. The improved Mississippi depended largely upon the heavy bulk freight in need of cheap transportation upon points along the tributaries, hence their improvement was relatively of as great commercial value as that of the main streams. Furthermore, the cost of permanent improvement of the Mississippi would be largely augmented if not ruinous, unless prosecuted in connection with improvement of the rivers emptying their volume into its channel. The land appreciation and reclamation alone, on the Missouri, would equal in value the cost of its radical improvement, to say nothing of its value as an aid to permanency of the work to be done on the Mississippi, then the recipient of costly sandbars from above. The Missouri had been studied closely by the engineers who had been engaged in expending bagatelle appropriations and on their authority, it was stated, that:

The Missouri could be improved to Sioux City, and as well to the mouth of the Yellowstone, for \$100,000 per mile, this improvement to be radical, giving a low water width of 1,000 feet at the mouth, decreasing to about seven hundred feet at Sioux City, which width could be held to the mouth of the Yellowstone. The discharge of the stream at low water was ample to give a theoretical depth of twelve feet. We can knock off 50 per cent if we choose, and still have eight feet to the Yellowstone. And the question was asked whether an equal amount of navigation could be got from the Upper Mississippi or the Ohio for the same money.

The characteristic wanderings of the Missouri had given rise to the saying that "the Missouri has a mortgage on every foot of land between the bluffs." An improvement would absolutely reclaim from the river bed about four hundred square miles, and appreciate the value of an additional 4,000 square miles of

bottom lands, rendering it safe from overflow. Ice gorges would not form, destructive floods would be less frequent, and probably flood lines would be lowered. In fact, it would just about cure all the serious ills the river was heir to.

An area of 524,000 square miles, nearly one-half the whole drainage of the Mississippi and its three main tributaries, and equal, if not superior, in richness of mineral and agricultural products, is drained by the Missouri River, a fact which of itself gives to its improvement national importance, especially when it can be so accurately demonstrated that the two rivers are inseparable when improvement, permanent and valuable, is being considered. It was an important factor in the attainment of the result desired by the people of the whole Mississippi Valley, and without it the work of the Mississippi convention at St. Louis would have proved fruitless. An appropriation for the Missouri was demanded both by its intrinsic value and as being essential to the permanent good to be derived from investments made in response to the demands of the St. Louis meeting.

The St. Louis convention referred to in the above statement was held in that city in February, 1881, and was a convention exclusively of those interested only in the improvement of the Mississippi River. Hence the advice and counsel given by the friends of the Missouri River Improvement Association.

A convention called the Missouri River Improvement Convention was soon after called to meet at St. Joseph, Mo., November 29, 1881. The object of this assembly was to take action to secure the interests of the Missouri River in any bill presented to Congress that proposed to provide aid toward the improvement of western rivers. Municipal corporations in all the states and territories lying contiguous to the Missouri River were invited to send delegates.

No account is found of the assembling and proceedings of this convention, though delegates were chosen from some of the upper river sections, those from the southern district of Dakota being Sanford B. Coulson, George R. Scougal, J. L. Foskett, Abraham Adler, J. C. McVay, Leighton Wynn, J. R. Sanborn, and C. J. B. Harris. There may have been a consultation of the leading promoters. There were at this time indications of rivalry between the Missouri and Mississippi interests which might work injury when the projects of the dual sections were presented to congress, a situation that it was all-important to avoid. Throughout Dakota Territory at this time and for several years following the people's minds were taken up with the wonderful immigration, the rapid extension of railways, and the consequent expansion of settlement covering all the territory east of the Missouri River. [See following chapter for later river conventions.]

#### THE CENTRAL PACIFIC RAILROAD IN DAKOTA

The Central Pacific Railway Company was one of the leading transportation companies in the United States. It owned and operated nearly three thousand miles of railway in California and Pacific Coast states and territories, and numerous steamship lines. With the Union Pacific, it formed the great continental railroad from Omaha, on the Missouri River, to San Francisco, on the Pacific. Hon. Leland Stanford was president of the company, and C. P. Huntington, vice president, and Charles Crocker were associated with him. It was the pioneer transcontinental railway. It was organized under the name of the Western Pacific three years before the organization of the Union Pacific, as early as 1862, to build a line east, and during the following six years built to Promontory, Utah, where it was met by the Union Pacific from Omaha, and the Pacific and Atlantic seaboards were connected by links of steel.

The earnings of the company in the early '80s were about twenty-five million dollars per annum. It was this powerful, experienced and aggressive organization that had decided to cut loose from the Union Pacific and build an independent line from its terminal in Utah to the Missouri River and probably beyond.

The cause of the proposed rupture was similar to that which has led all enterprising transportation companies to enlarge their field and secure new territory. The Union Pacific had already trespassed, or was about to trespass, upon the territory of the Central Pacific in the Northern Pacific territory, so that retaliation was justified. Jay Gould was then a power in the Union Pacific and in southwestern transportation lines, and the Central Pacific was desirous of securing connections in that region, and railway corporations seem to have learned that if they want something of value from a brother corporation they must fight for it or buy it. The Central had probably vainly exhausted its diplomacy in endeavoring to secure that which it coveted and felt that it must have, and failing, had applied to the court of last resort, which was to build the lines it needed.

Going back just about one decade it was discovered by an item in an early day newspaper that there was then some friction between these companies that promised competitive lines instead of combined forces. The item states that:

An important movement in connection with the Union and Central Pacific railroads is coming to the surface. These two roads, forming the through line to the Pacific coast, have never been able to agree very well, the point of junction being at Ogden, Utah. The Union Pacific has about perfected arrangements for building an independent line west from Ogden to the Pacific coast, thereby giving them a through line. The Central will therefore be compelled to build from Ogden east to the Missouri River. In this Dakota may have a great interest as the most practicable line will be down the Niobrara River and through Southern Dakota to connect with one of the great lines now pointing in this direction from the East.

At that time there was no railway in Dakota. The Sioux City & Pacific and the St. Paul line were at Sioux City.

The surveyor-in-chief of this new line was Mr. Warner, who had been connected with the company a number of years. He reached the Missouri River at Niobrarah in November, 1881. He made no secret of the work he was engaged in, having come through from Corinne, Utah, and had been in the field for six months. He claimed that he had found the best route ever surveyed by a western railroad company. He gave no credit to reports of compromise with the Union Pacific, stating that his company had already expended thousands of dollars in the survey, and had actually bought the iron needed for 700 miles of new railroad. Speaking of the route, Warner said it was projected from the south pass of the Rocky Mountains to the headwaters of the Niobrara River, crossing the boundary line of Wyoming and Utah at Bear River; thence throughintah, Sweetwater, Carbon, Albany and Laramie counties to the east boundary of Wyoming, where the Niobrara River crosses the boundary, a distance of 450 miles; thence east to Kcha Paha; thence south to Niobrarah, where the bridge will span the Missouri; thence to Yankton. A branch would be built from Yankton to LeMars, Ia., making a connection with the Illinois Central. Locators and graders were expected to get to work in the spring of 1882.

Capt. N. W. Ellis was the assistant engineer in charge of the eastern portion of the line, with headquarters at Yankton. He made the preliminary surveys and did some locating work in the fall of 1881, from Yankton to Kcha Paha, and at the latter place met the party under Mr. Warner. This survey began at the intersection of Douglas Avenue and Seventh Street, Yankton; thence west on Seventh to the city limits; thence running north of the Hayward farm, made a tangent to near Lakeport, Bon Homme County; thence west, passing Springfield two miles north of the city; thence to a point on the Missouri River opposite the City of Niobrarah, crossing to the town, and continuing up the stream a mile or more to a favorable place for crossing, where the survey crossed to the north side into Todd County, Dak.; thence west to Kcha Paha, where Mr. Warner was met. Warner's line had been surveyed north of the Niobrara River, and his surveying party was at Pine Ridge, Dak., in October, indicating that the preliminary survey had taken notice of the topography of the country north of the forty-third parallel.



Rumors were current a little later that the differences between the rival companies had been adjusted and further operations would be suspended by the Central Pacific, whose engineer's office at Yankton remained occupied, however, during the winter.

In January, 1882, the *Journal of Boston* gave out this intelligence:

In relation to the Union Pacific and Central Pacific threats to enter each other's territory, it is claimed that the projected road of the Central Pacific will be from Corinne, through the South Pass, down the old emigrant trail, through the Sweetwater and North Platte valleys, to a point about sixty miles of old Fort Laramie, thence over to the headwaters of the Niobrara River, down which valley the road will pass to the Missouri River, at or near Yankton. This extension will be about nine hundred miles long, running almost parallel with the Union Pacific and about one hundred miles north. It is maintained by the managers that this road will be less likely to interruption in the winter on account of snow drifts than the Union Pacific. The work of construction will begin in early spring. Sixty thousand tons of steel rails have been ordered from England for this projected line.

This route, above outlined, was the one selected by the first railroad enterprise chartered by the Legislature of Dakota as early as 1864-65, called the Missouri River & Niobrara Valley Railroad Company, and designed to build the north branch of the Union Pacific road from Sioux City through Southern Dakota, and out to the south pass by way of the Niobrarah.

The rumors of a peace pact between the warring interests continued, and were finally verified early in the winter by the announcement that the rivals had reached a basis of settlement that would give to the Central all the eastern connections it demanded and render its independent line unnecessary. The leading parties to the arrangement were Mr. C. P. Huntington, president of the Central Pacific and Southern Pacific companies, and on the other side Mr. Jay Gould, president of the Texas Pacific Railroad Company, and the representative of the New Orleans Pacific, Missouri Pacific, Kansas & Texas, St. Louis, Iron Mountain & Texas, and the International & Great Western. These railroads included both of the trunk lines and the connections necessary to reach the eastern seaboard.

Mr. Huntington was accorded by Mr. Gould about all he demanded, and the result was an amicable adjustment which made the Central Pacific, for all practical purposes, a continental line.

Dakota Territory contributed an entire county to the project, which may remain a monument to its public spirit if not to its magnanimity.

#### DAKOTA CONTRIBUTES A COUNTY TO NEBRASKA

During the time occupied in these preliminary surveys of the Central Pacific it became apparent that the road, if constructed, would pass from LeMars through Southeastern Dakota to a point on the Missouri River, nearly opposite the mouth of the Niobrara River; thence across the Missouri to a point on the north side of the Niobrara; thence west in Todd County, Dakota Territory, a distance of fifty or sixty miles at least, possibly more, if it should cross to the north of the forty-third parallel of latitude. Todd County was then included in the Big Sioux Reservation, but within the boundaries of the Territory of Dakota as defined by the organic act. Inasmuch as the territorial boundaries were subject to change at any time by Congress, Senator Saunders, of Nebraska, conceiving that the portion of Dakota west of the Missouri River, through which the Central Pacific would run, might prove a desirable addition to his state, introduced in the Senate a bill cutting off so much of Dakota Territory as extended south of the forty-third parallel, west of the Missouri, and attaching it to Nebraska. Following is the text of the Saunders bill:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

That the northern boundary of the State of Nebraska shall be, and hereby is, extended so as to include all that portion of the Territory of Dakota lying south of the 43d parallel

of north latitude and east of the Kcha Paha River and west of the main channel of the Missouri River; and when the Indian title to the lands thus described shall be extinguished, the jurisdiction over such lands shall be and hereby is extended to the State of Nebraska, and the northern boundary of the state shall be and hereby is extended to said 43d parallel as fully and effectually as if said lands had been included within the boundaries of said state at the time of its admission to the Union; reserving to the United States the original right of soil in said lands, and of disposing of the same; provided that this act so far as jurisdiction is concerned, shall not take effect until the President shall, by proclamation, declare that the Indian title to said lands has been extinguished, nor shall it take effect until the State of Nebraska shall have assented to the provisions of this act.

The bill was reported to the Senate on the 4th of February, with a number of amendments, none of which affected the main purpose of the measure, being designed to protect the Indians and the United States in the matter of preserving the right of soil, all of which were adopted, whereupon Senator Plumb, of Kansas, said:

I should like to inquire why it is that the State of Nebraska has not, by some home authority, made some proffer of its wishes in regard to this matter, and I should like to ask further, what is the feeling of the people of Dakota about it? We are taking away what is apparently valuable property from the Territory of Dakota, which is here seeking admission as a state. It seems to me we ought to have regard for the wishes of those people, and the fact that the State of Nebraska apparently never has put in an appearance here or asked anything about it ought to enter into the considerations bearing upon this question.

Senator Saunders replied: "This bill was before the Senate more than a year ago, nearly two years ago, and it was thoroughly canvassed both in the committee and in the Senate. Several times I think it was up, and finally it was adopted exactly as reported, and the amendments which have been agreed to this morning were suggested by the senator from Vermont, and remove all possible objection to the measure. So far as the territory is concerned, it belongs to an Indian reservation, and there are no persons particularly affected by it, because there are no white people on the reservation, and I do not know that there are any Indians on it now. The object of the bill is to straighten the line between Dakota and Nebraska. If the line had been straight, or if there had been a well defined line, no bill would have been brought before Congress in regard to the matter. The bill provides that the line shall go up the Niobrara River to the mouth of the Kcha Paha River. The Niobrara River in many places is a very wide and shallow river, changing its channel frequently. Sometimes in twenty-four hours the channel has removed a quarter of a mile or more. So difficult has it been to decide what is the real channel of that stream that one of the judges in that district told me himself that he had released a prisoner and refused to act upon a case because he would not take it upon himself to decide the northern boundary of Nebraska when it was the main channel of that stream, because it was so difficult to tell where that channel was. For these and other reasons, the main reason being to straighten the line, which would have been done when the act was passed originally if Congress had known anything where it would be, and not for the purpose alone of attaching territory to Nebraska, I ask for the passage of the bill. It does not affect anybody's interest particularly, but straightens the line and gives the map an appearance which it would not have without this enactment."

Senator Cameron of Wisconsin said: "I desire to inquire of the senator from Nebraska how extensive is the territory which it is proposed by the bill to transfer from the Territory of Dakota to the State of Nebraska; that is, how many square miles does it contain?"

Senator Saunders replied: "I cannot tell exactly, but it is about forty miles in length and probably there is a mean width of about three miles, perhaps not quite so much. There are, I think, over two townships of land, but it is in such an irregular shape that I cannot tell exactly the quantity."

Mr. Hale—Is there any population there whatever?

Mr. Saunders—There is no population, and no population is affected by the bill at all.

Mr. Teller—I should like to inquire if the Indians are not affected by it?

Mr. Saunders—Not the Indians themselves.

Mr. Dawes—The Indians have all been removed to the Indian Territory.

Mr. Edmunds—At the point of the bayonet.

Mr. Dawes—They have been removed at the point of the bayonet, so that the bill does not affect them.

The bill was then further amended so that it should not shut out the free navigation of the Missouri River, and passed.

The bill was also passed by the House, and it does not appear that any voice from Dakota was raised against it, though in place of two townships it took away from the territory an entire county, Todd, embracing sixteen or seventeen townships instead of two, as stated by the Nebraska senator. And what would have been the action of the Senate had they but known that the territory transferred by the bill had been the home of a white population who had organized a county therein, held elections, elected county officers and members of the Legislature, one of whom was made speaker of the Dakota House of Representatives; that a county seat was located and legally incorporated named Mixville, and the organization maintained until the land on that side of the river, about 1869, was by treaty included in the great Sioux Reservation? These were the facts regarding that section of the territory. This straightening of the boundary was not the purpose, or rather was not the reason, for desiring the change at all. Nebraska had prospered for about sixteen years under the excellent boundary marked by two large rivers, and there was no demand for the change among the people; but the Central Pacific Railroad, from LeMars, Ia., to Ogden, Utah, had been surveyed across the coveted tract, and Senator Saunders and his friends saw a way to secure it, together with the prospectively valuable town which would grow up near the mouth of the Niobrara River, and hence the senator's discovery of the deformed, ill-shapen boundary that seemed to be disturbing his rest.

#### SPOTTED TAIL ASSASSINATED

Spotted Tail, head chief of the Brule Sioux Indians and one of the most influential Indians in the territory, was shot and instantly killed at Rosebud Indian Agency on Friday, August 5, 1881. His assassin was Crow Dog, ex-chief of Indian police. The tragic affair was the result of an old grudge which had existed for a long time. There was great excitement among the Indians as a consequence. Gen. John Cook was the United States agent of these Indians at the time—the same General Cook who was given command of the first military expedition up the Missouri in 1863, but was superseded by General Sully before the expedition got under way. From the agent, a circumstantial account of the killing was had. Spotted Tail had been summoned to Washington, and before leaving, on the 5th, he held a council with a large number of his people concerning the purpose of his Washington visit. After the council broke up all left for their homes, Spotted Tail riding at the head of a party that happened to be going his way. An Indian who was riding close to Spotted Tail relates the killing, which he saw:

I saw Crow Dog coming toward us in his wagon. He had his wife with him. He got out of his wagon and was stooping down when Spotted Tail rode up to him. He suddenly raised up and shot Spot through the left breast. The chief fell from his horse, but rose from his feet and took three or four steps toward Crow Dog, endeavoring to draw his pistol. He then reeled and fell backward, dead. Crow Dog jumped in his wagon and drove off at full speed toward his camp, some nine miles distant.

No outbreak followed the shooting, but there was intense excitement among the Brules. Spotted Tail had many people in his tribe who were not friendly to him, hence the shooting may be said to have been quietly endorsed by this unfriendly element. Under the treaty of 1868 Crow Dog was amenable to the law for his crime, and in pursuance of that treaty the agent ordered Crow Dog arrested by the Indian police at the agency. This was done and the accused was sent to Fort Niobrara for safe keeping until his crime could be inquired into by the Government. The enmity between Spot and Crow Dog had been of long standing. It was reported that jealousy was the cause, but this was not sustained by Agent Cook and others who took great pains to find out the truth. On the 4th of July preceding the tragedy the parties met, when Crow Dog placed the muzzle of his cocked rifle against the breast of Spotted Tail, and told him he



was going to shoot him. Drawing himself up to his full height, Spotted Tail looked into the eyes of his antagonist and said: "Why don't you shoot then? If I had my gun against your breast I would shoot." Crow Dog dropped his weapon and retired.

Spotted Tail was not an hereditary chief. He gained the place of head chief of the Brules by his prowess in war and by his superior intellectual strength. He was a man of rare diplomatic talent.

The chief, Crazy Dog, was next in line of succession to the vacant head chieftainship; but the agent, General Cook, being convinced that he should not be promoted, procured a delay. At this time the United States or the Great Father, claimed the right of consultation in the appointment of chiefs and in relation to this succession Agent Cook addressed the following official statement to the commissioner of Indian affairs, which contains the history of the tragedy and the causes:

Rosebud Agency, D. T., August 10, 1881

Sir: I stated in my letter of yesterday the murder of Spotted Tail by Crow Dog and an accomplice named Black Crow, both head men of the Brule Sioux, and that it was the result of a long standing feud. While this is partially true, new evidence has been developed which throws a different light upon the affair. It seems to have been the object of a long and well matured plan to rid themselves of Spotted Tail. The conspirators were few, but of a desperate character, who had fully made up their minds that if the chief would not resign they would kill him. The ringleader was Black Crow, who now makes no secret of his intentions. His ambition was to hold Spotted Tail's position, and if it could not be accomplished by fair means they did not scruple to use the most foul and cowardly means. Upon ascertaining these facts I had Black Crow arrested as accessory to the murder.

Crow Dog and the company, with their leader gone, the disaffected element will rapidly disperse and no longer exist as an organization. In connection with the subject of a head chief over the people, I beg leave to offer the following suggestions, which I trust will receive your early consideration:

The position of a head chief is a hindrance to civilization. The main object of this person is to centralize all power in himself. To do this he must strive to continue tribal relations. To prevent his people from scattering over the reservation for the purpose of taking up allotments of land, he must gather them in villages where they can keep alive their barbarous customs, dances, etc. In short, to retain his hold as chief over the nation, he must act in opposition to the measures adopted by the Government for the ultimate civilization of the Indians. The minor chiefs are already squabbling for the office, but I have informed them the appointment and recognition of so important a position must come from the office of Indian affairs. I have, therefore, to recommend that no successor to Spotted Tail be appointed. That his son, Young Spotted Tail, be recognized as chief of his own immediate band, and that if at any time a representative of this tribe shall be desired at Washington for conferring upon the interests of his people, he shall be chosen with special reference to his intelligence and loyalty to the Government. Of this the agent would be the best judge. If the office of Indian affairs should direct this, it will forever preclude the possibility of such an occurrence as that of the 5th inst. Being of the opinion that this is necessary, it should be represented at the conference with the honorable secretary of the interior. I appointed White Thunder, chief of the Loafer Sioux, to take Spotted Tail's place in the delegation. He is a man of barely ordinary ability, but of unquestioned loyalty, and was the only available person to be found at the time. I trust my action in the matter will receive your approval. I have to add that prompt action in arresting the murderer of Spotted Tail has had the most soothing effect upon the people at large, all excitement allayed, and at present one would not imagine that we had just passed through a crisis during which some rash Indian or white might easily have turned a peaceful ending into a terrible tragedy. Monday orders will be given to 200 frontiers to proceed to the steamboat landing for supplies, as I deem it a better plan to keep the young men busily engaged, thus preventing them taking advantage of the present situation and stirring up trouble.

#### CROW DOG IN COURT

The United States Court convened in Deadwood in September, 1881, and Crow Dog having committed his offense in that judicial district he was taken from Fort Niobrara to Deadwood for trial. The Deadwood Times gave an interesting sketch of the case, which is here produced:

For the first time, as we understand, in the history of the country, an Indian is held for trial for the murder of another Indian. Spotted Tail, a noted Sioux chief, was shot



and instantly killed a few weeks ago by Crow Dog, a member of the same tribe. The crime was committed upon an Indian reservation by an Indian upon an Indian. Crow Dog was brought here for trial, and Mr. A. J. Plowman, a rising young member of the Deadwood bar, was engaged to defend him. Plowman is regarded with absolute confidence by the redskins, as he cleared a half-breed named Gallineaux who killed a white man, as it appeared in the testimony, in self-defense. As to the guilt or innocence of the prisoner, we have no opinion to express, as we do not think it in the province of any journal to try any case, to acquit or convict in the advance of a trial. The case, however, presents several features which have never appeared in any murder trial in this country before. We have learned the following facts concerning Crow Dog and the Indian punishment for murder: Crow Dog is a Brule Sioux; he was born, he informs us, on Horsetealing Creek; where this stream is we have been unable to learn, but think it is in Montana. He has one brother named Brave Bull, and a sister. Crow Dog, as near as he can figure, is about forty-eight years old, has one wife and eight children. Indians are nearly all polygamists, but it appears Crow Dog is an exception. His family of children is unusually large for an Indian. Crow Dog claims he has been punished and made reparation for the killing of Spotted Tail, according to the custom and practice of his tribe from time immemorial. As Indians neither have nor understand courts, the surviving relatives are by duty and their religion, bound to demand reparation in goods and gifts for their murdered relative, or to appease his spirit by a bloody vengeance. Their religion is the primitive one of an eye for an eye and a tooth for a tooth—a payment in goods in lieu of blood. In the case of Crow Dog, as in other offenses of like nature, the relatives of his victim and his own meet together in council, talk the damages over until they come to some agreement as to what they should be, and have an understanding as to how much property shall be given to make peace. The pipe of peace and fellowship is then smoked, the gifts distributed, and there the matter ends in friendship and harmony—the offense is forgiven and forgotten. The punishment of murder is solely the affair of the deceased's family and relatives. The tribe at large has no power, according to their customs, to take measures concerning it. In the case of Crow Dog the relatives of both parties held the customary pow-wow, and Crow Dog's brother, Brave Bull, paid for him to Spotted Tail's numerous families the following property, which was distributed among them: Eight horses, \$50.00 in money, and one blanket valued at \$40.00. The settlement was sufficient and Spotted Tail's shade supposed to be satisfied. When Spotted Tail removed his rival, Big Mouth, in much the same manner in which Crow Dog gave him his quietus, Spot satisfied the relatives of his victim by a gift of twenty horses. It sometimes happens no arrangement as to the amount of gifts can be made, then blood must flow. The relatives of the deceased must avenge his death. Any of the relatives of the criminal will answer the atonement, whether he or she be innocent or guilty. Some one of the family must be sent to the happy hunting grounds to appease the spirit of the murdered one. It is this bloody, heathenish belief which has caused Indians to massacre their best white friends, with whom they have been living on terms of amity and friendship. All whites are supposed by them to be relatives, and one will do as well as another for the purposes of vengeance. While they hold these doctrines, it will be difficult, if not impossible, to maintain a lasting peace with these people. Should a white person, rightly or wrongly, kill one of them, his relatives declare war on the entire white race. The trial of Crow Dog will be the first of the kind ever held in our courts and promises to be one of great interest.

The trial of Crow Dog (Kan-gi-shun-ca) took place before the United States District Court in Deadwood, Judge Moody, presiding, at the March term, 1882. The prisoner was described as a fine specimen of the North American Indian, about forty years old, medium height, light complexion, long glossy hair terminating in curls at his shoulders, a clear penetrating eye and rather pleasing features. The indictment against him consisted of two counts, murder and manslaughter, and recited the fact that on the 5th day of August, 1881, the defendant shot and killed, without cause or provocation, and with malice aforethought, one Sin-ta-ge-le-scka, commonly known as Spotted Tail. Attached to the indictment was the written pleading of the prisoner to the effect that he had already been convicted, punished and forever discharged of the offense charged in the indictment, by the judgment of the court of the Sioux Nation of Indians, rendered at Rosebud Agency, in the Territory of Dakota, August 5, 1881, according to the local laws of said tribe; and that he is not guilty.

A satisfactory jury was impanelled after considerable delay. A large proportion of the qualified jurymen of the Black Hills had experienced difficulties with the Sioux Indians, and were thereby prejudiced. Finally the following named were sworn in to well and truly try the cause, and a true verdict render according to the evidence: John Lawrence, Joseph King, Levi Daffebach, Rich-

ard R. Crowe, Louis Nathan, George Ayers, Wm. Hatfield, F. E. Batchelor, W. C. Linn, F. W. Hamilton, C. C. Fyler, John Wittom.

The trial consumed about ten days, and concluded with a verdict of guilty of murder, and Crow Dog was sentenced to be hanged on the 11th of May. From the judgment of the court Crow Dog's counsel gave notice of appeal to the Supreme Court.

#### CROW DOG'S APPEAL

An appeal was taken and the Supreme Court gave a hearing to the case at the October term, 1882, and affirmed the decision of the lower court. Crow Dog was again sentenced to be hung on the 11th day of May, 1883, but his attorney, A. J. Plowman obtained a stay of execution until the case could be heard in the United States Supreme Court. It was possible that the pending effort to make a treaty with the Sioux for a portion of their reservation, might modify conditions in Crow Dog's case. The Government would not wish to provoke any animosity on the part of the Indians while this treaty was pending, and the hanging of Crow Dog to satisfy the white man's idea of justice would seem to the Indians like an unwarranted infringement on their tribal laws under which Crow Dog had already been tried and acquitted, or rather paid the penalty of his crime imposed by his own people according to their laws, and for that reason should the United States Supreme Court fail to reverse the territorial court it was probable President Arthur would be appealed to to pardon the offender.

Crow Dog was confined in the jail at Deadwood, and a few days following the action of the territorial court, he escaped from the jail. He was to be executed soon unless the Supreme Court should reverse the decision of the territorial tribunal, and his escape gave much anxiety to his keepers. He had been so long in confinement that his guards had been accustomed to allow him unusual liberties. It was conjectured that he had concluded to pay a visit to his family at Pine Ridge, and he knew of no reason why he should ask anybody's permission. He therefore trudged off toward the agency, and fortunately met with a small party of his Indian friends who sympathized with him and had no friendship for Spotted Tail, and these escorted him to the agency, providing food and comfortable blankets for the journey, which was made in November. Here Crow Dog was found a month later, though he had made no effort to remain concealed; but his presence at home and at the agency had worked up considerable of the old time animosity in the breasts of those who sympathized with Spotted Tail, and there were serious apprehensions of an outbreak. The agent, James G. Wright, apprehending trouble, sent word to the authorities at Deadwood to send for their prisoner. Crow Dog had been suffering for a long time from an old arrow wound that had only partially healed, which gave him much pain and was growing more severe. He had concluded he had not much longer to live anyway, but was determined to die fighting, rather than consent to return to Deadwood. He was encouraged, however, by the marshal, who sent after him to believe that the United States Supreme Court would release him from the death sentence, and finally consented to return and did so. About the last of December following, the United States Tribunal took up his case and decided it in his favor. The case was heard on an application for a writ of habeas corpus, and the court in concluding its opinion said:

The question, therefore, presented in this court is whether the express letter of section 2140 of the revised statutes, which excludes from the jurisdiction of the United States the case of a crime committed in the Indian country by one Indian against the person and property of another Indian, has been repealed. This court holds that it has not, that in such a case as the present one the Indians have a right to try and punish the criminal according to their own laws and customs without interference from the United States; that the United States District Court of Dakota had no jurisdiction, and that the imprisonment of Crow Dog is therefore illegal. The writ of habeas corpus and certiorari prayed for will accordingly be issued.

The final acquittal of the Indian on the ground that he had been once placed in jeopardy for the offense according to the laws of his tribe was received in the First Judicial District with expressions of satisfaction, and A. J. Plowman, the attorney, who had pushed the case to the court of last resort, confident that he would win in the end, won for him many demonstrations of commendation.

#### ARTESIAN WELLS

Necessity is said to be the mother of invention, and this parentage will not be questioned in many cases, and it might be added that it is frequently that necessity leads to important discoveries. It was necessity that drove the City of Yankton and the Dakota Southern Railroad Company to encourage the sinking of an artesian well for the purpose not only of securing a water supply for domestic use; but also power sufficient to be of service in case of conflagration. Yankton was paying high rates for insurance because of the lack of fire protection, and was also paying expensively for water for domestic purposes. This water was hauled in tanks from the Missouri River and distributed to the towns people at from 15 to 25 cents per barrel. Well water could be had in abundance but not of good quality, which discouraged the sinking of ordinary wells. Yankton had reached that stage in its growth and value of its improvements when a system of waterworks was demanded, adequate for all purposes. There was no doubt that a supply could be obtained from the Missouri, but the expense of constructing suitable machinery for hoisting the water from the river to an elevation where it could be distributed to the various parts of the city was a serious handicap. Another bonded debt following so close upon the aid voted to the Dakota Southern Railroad was not to be considered. About this time the officers of the Dakota Southern Railroad Company, who were interested not only in a water supply but also in discovering a supply of cheaper fuel, induced Mr. I. T. Farrand, a Chicago artesian well borer, to visit Yankton for the purpose of investigating the conditions bearing upon the water question. Farrand was not a professional geologist, but had been engaged in artesian well work for a number of years, and was therefore considered an authority who could be profitably consulted, and whose counsel could be safely followed should he conclude that an artesian supply was practicable at Yankton. After a few days spent in investigation, Mr. Farrand at a public meeting, assured the people that in his opinion they could safely make the venture for an artesian water supply, with a strong probability of disclosing an abundance of coal. Here the matter rested, and Mr. Farrand returned to Chicago. His price for sinking a well was \$3 per foot, and he was prepared to go 1,000 feet if necessary. The local company had but \$700 subscribed at the time, and the making of the contract was deferred to a more convenient season.

A portion of the subscribers to the stock of the new Artesian Well Company at Yankton held a meeting in that city September 9, 1880, and elected Rev. Joseph Ward, chairman, and W. S. Bowen, secretary. E. T. White, Wm. P. Dewey, C. J. B. Harris, and J. W. C. Morrison were appointed to draft a constitution and by-laws for the organization, and to report the same at the next meeting. A committee of three consisting of Isaac Piles, Frank L. VanTassel and E. E. Hudson was appointed to correspond with parties engaged in the business of boring artesian wells, and to select a site for the proposed well. The meeting then adjourned to the 13th, at which articles of incorporation were adopted and signed by the stockholders. The location of the well had not been decided upon. The following are the names of the stockholders: George E. Hawley, E. E. Hudson, Isaac Piles, Joseph Ward, L. M. Purdy, C. J. B. Harris, John M. Fogerty, E. T. White, John Krause, Geo. H. Hand, E. Miner, John O. Bates, Robert Cox, A. W. Lavender, T. B. Burleigh, VanTassell & Miner, Adler & Ohlman, S. K. Felton, Joseph Pier, J. W. C. Morrison, A. W. Howard, W. P. Dewey, Wilcox & Williams, J. C. McVay, J. L. Pennington, S. B. Coulson, D.



McCully, J. L. Foskett, Jacob Max, W. H. McVay, Bowen & Kingsbury, W. B. Valentine, Stier & Ferdinand, W. H. Carr, E. P. Stone, Harry Katz, John Foerster, and Fred Schnauber. By-laws were adopted, and a board of directors selected as follows: J. C. McVay, A. W. Lavender, Isaac Piles, E. E. Hudson, and F. L. VanTassel. J. C. McVay was elected president of the company; L. T. White, secretary and John M. Fogerty, treasurer. The following resolution was adopted:

Resolved, By the board of directors of the Yankton Artesian Well and Mining Company, and the board of directors hereby orders, that the sum of \$10 per share, of the subscribed capital stock be, and the same is, levied, payable to the treasurer of said company at the office of said company, in the City of Yankton, as follows: Five dollars per share, payable on October 1st, next, and \$5.00 per share, payable on the 1st of November following. That on the 10th day of November, 1880, all unpaid assessments shall be delinquent, and that on the 30th of November, 1880, at the office of the company in the City of Yankton, at the hour of 10 o'clock a. m., all delinquent stock, if any, shall be sold as provided by law.

A seal and stationery were ordered, and the meeting adjourned.

A number of propositions had been received from artesian well borers east, the capital was already subscribed ample in amount, and a contract for sinking the well was certain to be made within a reasonable time. The optimistic opinion was that the water problem for Yankton and vicinity was about as good as solved.

#### WALLACE'S THEORY

In June, 1887, Samuel M. Wallace, a scientist, inventor, and much interested in territorial matters, who resided at Washington, D. C., learning that the great artesian well at Aberdeen was supposed to be failing, felt called upon to give out a statement regarding the artesian supply, based upon several years of intelligent study of the subject, and personal explorations of many portions of the artesian belts, which may prove valuable and is certainly interesting. Experience would tend to support Mr. Wallace. It was the experience of a majority and possibly all of the hundreds of wells sunk during a few years following the first discovery, that the wells began to show a diminution of pressure and loss of volume after a few years in some cases, and this decrease would in some instances continue until the well had to be abandoned and a new one was opened. Mr. Wallace holds, in substance, that the remedy would have been found by sinking the well deeper. He says:

It is practically impossible for an artesian well to fail. Of course, the first source of supply may wane, and the force decrease. But the well should be sunk into the bowels of the earth until one of the subterranean streams be struck, and then the flow is as ceaseless and perennial as the verdure of the tropics. I apprehend that economy led the Aberdonians into a cessation of their work too soon. I don't know how deep their well is, nor does it make any difference. If it is seeming to fail, that is sign enough that it is not deep enough. Away down in the midst of the supposed fiery depths of the prairie there are to be found living streams as cold as ice and as hot as fire can make them. Not only Aberdeen, but all prairie cities and counties should seek to find that water. By an upheaval of the Rockies, the fertile acreage of the prairie country became a desert. Millions of acres are still arid land. The artesian well will settle the question of the great American desert. It will settle the question of the Bad Lands, the alkali lands, and all other questions which so largely engage the attention of farmers and agriculturists in this country.

As for my reasons for supposing that these never failing streams abound in the great West, I have no reason beyond actual knowledge. If the sun rises, you see it, don't you? And you don't ask me to tell what reason he has for believing that the sun shines, do you? And if you see a field of wheat or oats, or corn, and tell your friend, "That is a beautiful field of grain," you are not expected to give reasons for believing that you see a field of grain, are you?

I have traced these subterranean streams from their sources and know their courses, and deltas, and mouths. I cannot take you with me in a brief time, all over the ground that it has taken me nearly six years to survey, but I can assure you that by actual study, I know the course of the sub-earthly currents, as well as one knows, and better, the currents which run through the ocean. We teach the ocean currents in the schools, and have



very good maps for them. And this will probably be done for the currents beneath the earth. The artesian well will find an abundance of water everywhere in the prairie country if it is sunk deep enough. Not only are there living streams percolating the entire earth, but the well known laws of endosmosis and exosmosis, or the seeping process, make the base of the prairie country a watery bed, just as the hill country is founded on the everlasting granite.

The artesian well will solve the problems of agriculture, because moisture is necessary, and that alone, to make the desert blossom as the rose. Fill Sahara with water, or moisten it deeply, and the weeds which are everywhere, even in the air particles which we breathe—the seeds floating through the air will lodge, extend their roots and bud into promising plants and put forth their foliage. As soon as this first step is taken, the rains will seek the erstwhile barren waste and continue to encourage the enlargement of the vegetable kingdom.

There are enough of these subterranean streams under the prairies of Dakota to wash away all the accumulated alkali of the ages if the people will only permit them to do so. Let them put down their drills and make an opening for the water to burst forth, and it will do all the work of irrigating, fructifying and enriching the land. Especially is this true of the Black Hills. All of that country is rich with water, and there is a great deal of it on the surface. But the country between Rapid City and Dickinson needs artesian wells more than any other portion of the territory. All should have it, however.

#### ARTESIAN WELLS IN CLAY COUNTY

It had been given out by some authority that was respected but not heeded, that artesian water would not be found in Dakota east of the James River, or within a very few miles of the eastern valley boundary of the James. The statement was purported to have been made upon geological authority. It was held that the artesian basin which underlaid the country west of the James, extended no further in that direction than the eastern rim of the James Valley, and the early attempts to secure an adequate flow from wells bored in that portion of the territory had been attended with discouraging results. However, the success of one enterprising farmer in the eastern part of Clay County in securing something of a "gusher," turned the attention of many others in that direction, and during the season of 1887 one of the principal industries in that county was the sinking of artesian wells, and nearly all were successful. They tapped a basin of wholesome water that poured out a generous volume, at a moderate depth, which was stated to be five or six hundred feet. It was said by the artesian experts that the flow obtained would diminish in time, that the borers had not gone deep enough. Many of the wells that were sunk during the early years of the artesian era proved to have been too shallow and their pressure was diminished gradually until they ceased to flow, but they were not abandoned. An abundant supply of water remained which could be reached with a pump, propelled by wind power. Others were sunk to a greater depth where a new flow was struck, confirming in effect the theory of Professor Wallace that once the well reaches the true artesian stream there will be no diminishing or hindrance to the flow, that the supply is inexhaustible and the pressure reliable and constant.

Five years later, a former contract by the Yankton Company with Captain Strait having been annulled by the neglect of the contractor to furnish an adequate bond, the company entered into a contract with J. D. Marrs, of the firm of Marrs & Miller, Chicago, on the 31st of December, 1880. The terms of the contract, substantially, were that the contractors should receive \$4 per foot for 1,500 feet, and if it was found necessary to go deeper, \$5 per foot for an additional 500 feet. No money was to be paid until water was procured or 1,500 feet completed. If no water was reached at a depth of 1,500 feet, then the contractor was to receive 50 per cent of the amount due before they commenced the additional 500 feet. The contractors were allowed until the 1st of March, 1881, in which to commence operations, but they intended to begin as soon as they could get their machinery on the ground and put in order for drilling.

Artesian water was found in this first artesian well sunk in the soil of the Territory of Dakota to be exact, in the forenoon of Monday, August 29, 1881, at

a depth of 400 feet, when the water gushed from the top of the pipe filling the well in the bottom of which the bore was started, and from thence ran out over the hill and down the gutters on Fourth and Fifth streets, carrying to the people of the city the glad tidings that the days of water famine were ended. This awakened not a little excitement and elicited many exclamations of rejoicing, and hundreds of people repaired to the scene of operations on the hill. To test the pressure a pipe nineteen feet long and six inches in diameter was with some difficulty screwed down upon the pipe from which the water flowed, and in 30 seconds the water rose through this nineteen feet of pipe and discharged from the top. The contractors contended that the pressure was sufficient to carry a six inch column of water fifty feet above the surface of the ground upon which the well stood, and perhaps higher. A rough calculation made by those in charge fixed the flow in quantity at 216,000 gallons in twenty-four hours, and they concluded that the pressure was increasing. These estimates, it will be understood, were largely modified in time. There was, however, such a feverish anxiety to know all about the new discovery that the two chemists in the city, Drs. F. A. Brecht and E. Webber were at once employed to make an analysis of the liquid in order to determine whether it was suitable for domestic purposes, and each took a sample from the flowing stream and hurried off to his laboratory to make the scientific inquisition.

This well passed through a shale and clay formation to a depth of 340 feet, where it struck an imperfect lime stratum twenty feet in thickness. Below this forty feet more of shale was penetrated, and at a depth of 400 feet the drill entered the water bearing rock—a more solid lime formation. At a depth of 405 feet, which was reached Saturday evening when the workmen quit, the vein was cut which filled the bore to the depth of 130 feet, and it remained in this condition until operations were resumed the succeeding Monday.

The report of the chemists confirmed the most sanguine hopes of the people. Each of the analyzers premised his report by the statement that his analysis had been hurriedly done. Doctor Brecht found that the water contained sulphate of magnesia, sulphate of calcium, phosphate of sodium, chloride of potassium, chloride of sodium and chloride of magnesium. The doctor had not given attention to the proportion of the different ingredients but was satisfied that it was good, wholesome water, suitable for a beverage for man and beast. Dr. E. Webber reported that the water was not objectionable as drinking water; that it contained no organic matter. It was a hard water owing to the presence of such salts as sulphate of magnesia, and sulphate of calcium in abundance. There were also traces of chlorides but not in abundance. A closer analysis would follow.

Intelligence of this good fortune to Yankton spread throughout the country with amazing rapidity. Hundreds of visitors from various parts of the territory made hurried visits to Yankton and to the well, and returned to their homes enthusiastic. There seemed to be a consensus of belief that the problem of an adequate water supply for the settlers of the territory had been solved, and the boring of artesian wells would furnish lucrative employment to many people for many years.

Artesian wells were not a new thing under the sun except to Dakotans. The strike at Yankton brought to light a great deal of artesian lore, whereby it was learned that this peculiar well was named for Artois, France. A well at Aire, in that French province, bored before our War of the Revolution, had since been flowing steadily at the rate of 250 gallons per minute. Another at a place named Lillers, France, claims an age reaching back to the eleventh century. In London it was discovered that the height to which the water rises diminishes with an increased number of wells. This was not encouraging to the advocates of a well for every quarter section. In 1855 the United States Government sent an expedition to bore for water in the Llano estacado, a barren tract in New Mexico. Two wells were sunk, one 641 and the other 860 feet, in neither of which the water came nearer the surface than 110 feet. The three great wells in

the United States were located at the time of which we write in St. Louis, Mo., Louisville, Ky., and Charleston, S. C. The St. Louis bore is 1,179 feet in depth, and the water is discharged through a twenty inch pipe at the rate of seventy-five gallons per minute. The Louisville well is a three inch bore and is 2,086 feet deep. The water flows from it at the rate of 330,000 gallons per day, and with a force of ten horse power. The Charleston well was begun in 1848, and after encountering many difficulties flowing water was found at a depth of 1,250 feet, and it flows at the rate of 1,200 gallons per hour. There were a number of flowing wells in and throughout Illinois.

The cost of the boring of the Yankton well was about two thousand five hundred dollars, and the Artesian Well Company had estimated and provided for an expenditure of \$10,000.

The first artesian well sunk in Northern Dakota was at Tower City on the line of the Northern Pacific. It was bored in the summer of 1881 by the railway company. Its total depth was 890 feet. In boring the well salt water was struck at a depth of 500 feet, which rose 400 feet in the pipe, and at a depth of 585 feet another flow of salt water and gravel was pierced. At 604 feet fresh water with quicksand was reached, and at a depth of 890 feet the water was found to be pure and wholesome. There was a moderate flow from the mouth of the pipe.

#### CAPT. PAUL BOYTON

Capt. Paul Boyton was something of a hero, and quite famous during a number of years following the centennial anniversary of American independence. While he had all the ordinary as well as extraordinary methods of achieving fame and acquiring fortune, he cast them all aside and concluded to attain his goal as a solitary navigator of the principal navigable rivers of the world. He had invented a rubber suit or boat in which he encased himself, and when this was properly adjusted and inflated with air it would float easily, carrying along its lone occupant, who was provided with a light double paddle which he used to propel his novel craft. In addition to his rubber boat he had constructed a supply boat, named the "Baby-Mine," dimensions 3 feet in length, 14 inches wide, and 10 inches deep. This was made of sheet copper. In this boat he carried his daily food, his rifle, revolver, ammunition, barometer, thermometer, compass, note books, map, pencils, medicine, shaving outfit, hatchet, matches, fishing tackle, cigars, signal rocket, and flashlights, canned provisions, spirit lamp, and cooking utensils, cement and rubber cloth for repairs, and a pocket knife and watch. Boyton was about thirty-five years old when he navigated the Yellowstone and Missouri rivers in 1881. He was superbly equipped physically—a powerful frame; medium height—not a weak point in his body. He had adopted his novel mode of startling the world for the purpose of accumulating material for a book he intended writing entitled, "Roughing It in Rubber." He had set apart the year 1881 for a voyage down the Yellowstone and Missouri rivers. He had counted on going to the head of navigation on the Yellowstone, or at least to Fort Custer at the mouth of the Big Horn, as the starting point, but he was constrained to change his plan and make Glendive, the town where the Northern Pacific Railway struck the Yellowstone, the starting point. He left St. Paul, Minn., with his navigator's outfit the 10th of September, taking the Northern Pacific, and reached Glendive in due course, made no tarrying, but encased himself and embarked from that port on the Yellowstone, September 12th, near evening, and please note that he had no companion except the aquatic inhabitants of that famous river. He did not sail but navigated, propelling his boat with the double bladed oar which he held in the middle and as required, shifted it from leeward to starboard, and this was frequently done on our great Dakota river where the navigator was beset by snags and sandbars. His trip down the Yellowstone was a perilous one. His rubber suit was torn by snags and rocks and he had to lay by for repairs. Remember, he was without a companion and in an



unsettled and untamed country. His paddle fell in the fire at one of his camps and was badly damaged. He patched it and paddled with it. When he thought of what might happen if he lost his paddle, he realized something of the perils which environed him. On making his way through a bend in the river he suddenly discovered an Indian who had his rifle pointed toward him. He knew only one word of the Sioux language, and he wasn't sure what it meant, and this was the word "How?" and he wasn't certain that it was an Indian word, and he thought for a moment that its meaning might be a note of defiance. But he uttered it with all his voice and threw up his arms with the double-bladed paddle in one hand, and to his intense gratification the Indian took him for some unearthly or unwatered being, and quickly recovering his rifle, turned, and by great leaps and bounds disappeared in the timber. On the 20th of September Boyton paddled out through the mouth of the Yellowstone into the broad Missouri and across to Fort Buford where he met with a cordial welcome and remained there for the day making repairs. After leaving Buford, a trapper discovered him, thinking he was a bear on a log, and was about to shoot him, when Boyton rose upright and convinced the trapper of his error. The trapper expressed little surprise, and was evidently chagrined that he had not shot before he heard the explanation, for bear skins were worth dollars. Boyton halted at Fort Berthold, and after resuming his journey discovered an Indian who was pointing a rifle at him. He yelled "How?" and "Don't shoot" in the same breath, and the massacre was averted. He now concluded that the word "How?" was worth knowing in the Indian country. This was Boyton's first journey through the country of the native American red men. He had gone through Asia, parts of Africa and Europe, on their principal rivers, and was menaced by no such serious **if not deadly perils as confronted him here in the wilds of Dakota.** He realized that he was not taking a pleasure trip, and regretted that he had no companions to share its novelties. He reached Bismarek on the 28th of September with his sculp intact, and here he was met by James Creelman, a correspondent of the New York Herald, who had been sent out, equipped with a canvas boat to accompany the navigator during the remainder of his trip to St. Louis. Bismarek was famous for the excellent entertainment it generously bestowed on the country's famous heroes, nearly all of whom found it convenient to visit there during these exciting years, though none had ventured to cross its watery threshold, clad in the weird, walrus like garb which enrobed the sturdy form of this unique and daring navigator. Bismarek made him feel at home and here he remained two days, writing "Paul Boyton" in the albums of the fair dames and daughters of the hospitable city. He then, in company with Mr. Creelman in his canvas craft, plunged again into the muddy current of the longest navigable river on the continent. He found a better river after leaving Bismarek, and had the pleasure of a genial companion; there was room enough for both and water enough, and together they rowed and paddled along. Boyton's one great peril between Bismarek and Fort Bennett was when he ran into a bed of quicksand and began to sink in it. It was with great difficulty that he extricated himself. His companion could do little to aid him, except share his uncomfortable apprehensions. Quicksand affords no foothold except one that gradually sucks its victim down and swallows him bodily. By a superhuman effort his strength greatly augmented by the imminence of the danger he was in, Boyton fairly threw himself out of his peril, thence against a snag that punctured a hole in his rubber armor, and obliged the novel fleet to make haste to land, where necessary repairs were made with material contained in the little copper supply boat which was towed along by a chain in the rear of the rubber flagship. This was nearest to a hair-breadth escape, except a later one in the Vermillion whirlpool of the long voyage.

A friendly call was made at Cheyenne Indian Agency where the newspaper man of the fleet desired to get some information for a letter to his great newspaper. Major Love of the regular army was in charge. This was one of the



agencies where the new administration had deposed the civil agent who had been appointed on the recommendation of the Episcopal bishop, and had substituted a military officer. It was not far from Standing Rock where Sitting Bull's reformed and surrendered warriors were stationed, and these people annoyed Major Love a great deal by visiting his Indians and inculcating discontent among them. Sitting Bull had quite recently been sent down to Fort Randall for confinement, and when the Steamboat Sherman, which had the honor of transporting the doughty chief, passed the agency the Cheyenne Indians assembled on the banks of the river, and the most violent demonstrations of grief were displayed. Major Love had been disposed to humor his Indians and treated them with much civility. They made themselves at home in the agent's office. While Boyton and his companion were in the room chatting with the agent, a chief entered, took a seat, loaded his pipe, and called to the agent for some matches, which the major quickly furnished him. Boyton witnessed the apparent obsequiousness of the agent, and with much indignation, exclaimed:

If I had my way I would take the fellow by the ear and turn him out to work for his living. This lionizing of men who spend part of their time in murdering whites and the other part in drawing rations from the Government ought to stop, and the sooner the better. These savages are not half so valuable to the community as the negroes, and yet they are waited upon like princes.

Accompanied by the agent in the afternoon they drove out from the agency a couple of miles to a tree in which a number of Indians, according to the custom of the tribe, had been buried. About six feet from the ground the trunk of the tree forked and divided into a number of stout branches with a bark peculiarly and appropriately as black as nature would have it. Everywhere among these branches and hundreds of additional limbs were perched heaps of decaying garments and new ones. In some places the storms had torn away the wrappings of the bodies and whole skeletons were exposed. All the implements which the Indian dead are supposed to need in the happy hunting grounds were placed at the side of the skeleton. So many Indians had been placed upon the branches of this old tree that it was said to have a more vigorous growth than any other tree in the neighborhood in consequence of the fertilization. The agent explained that the Crow tribe of Indians had laid three of their braves there, and Boyton, apparently meditating, absently remarked: "Three crows sat on a tree." The Sioux still used the cemetery in case of emergency.

Leaving Cheyenne, where they had been well entertained, and had learned something of the nature and customs and the treatment of the Government's Indian wards, they voyaged downward to Fort Pierre, where they made a friendly call, also at the new hamlet of Pierre, on the east bank, which was just beginning to grow. At Fort Randall under the command of the veteran Colonel Lugenebeck, they were received with the honors due to heroes, and the commandant was greatly interested in inspecting the novel craft of the daring navigator. Thence on to Yankton without incident, but at this point Boyton expected to receive some valuable material by express, and he betrayed some eagerness to reach it, for his old rubber suit was in a leaky condition and unsafe for further use. Its place in the future was to be in his armorial hall where he had already consigned a number of its elders. His reception at Yankton was quite in keeping with the navigator's wishes; there were a large number of steamboat men in port, and they hailed him as a worthy member of their honorable and useful brotherhood. He told the Yankton people that the Missouri was by far the most hazardous stream he had ever tackled. Its perils were many besides those already alluded to, and included eddies and whirlpools, and the caving of the banks which at times threatened to bury him. He reached Yankton on the 23d of October, thirty-five days from Glendive. This 2,000 mile journey down the Yellowstone and Missouri, was the longest as well as the most precarious he had ever undertaken, though he had traversed over twenty thousand miles of rivers in various quarters

of the globe. He had also lectured occasionally, and had kings, queens and princes among his auditors. His lectures abounded in descriptions of the places he had visited in his novel craft and incidents of his journeys; they were quite entertaining, but they were not of a character that would tend to the improvement of navigable streams, nor did they popularize the individual rubber boat. Had this been his design, and worked successfully, it might have increased the demand for rubber. The party got away from Yankton early on the 25th. The weather was quite uncomfortable, especially on the water, and Boyton wanted to reach St. Louis as early as practicable. There was excitement and danger near at hand, however, that the party had not apprehended when saying good by to Yankton. It was caused by what was known as the "Vermillion Whirlpool," and was thus introduced and referred to by the talented correspondent of the New York Herald:

St. Helena, a pretty village, perched high on a cliff, was reached at 5 o'clock in the afternoon. We had been warned several times that a large whirlpool existed somewhere on the river near Vermillion, Dakota, and the villagers confirmed these rumors and advised us to wait until daylight before making the perilous passage.

"I don't want to lose such an opportunity for voyaging as this weather presents," said Boyton, "and we will go on until we hear the whirlpool, and then camp until daylight." So on we went, as the sun sank slowly in the west and the night shadows stole softly over the scene. Sunset on the Missouri is surpassingly beautiful. The wild scenery seems to mellow perceptibly, and the grassy banks, worn smooth, it is said, by the action of the wind, assume a purple and crimson light until their farthest ranges seem but as dim shadows against the glowing horizon. As day declined every breath of air died out, leaving the surface of the river without a ripple, every part of the changing headlands being reflected in the aqueous mirror. The branches of the trees were almost bare of foliage, and the dead leaves drifted along shore in great heaps. A sweet scent filled the air like the perfume of new mown hay, a most delicious fragrance rising like a grateful incense from the shorn grain fields, wild flower beds and wild fruit thickets of these marvelous Dakota bottom lands.

Even when night closed the sky was bright with stars, which gave out sufficient light to enable us to see our way. The black, recumbent figure just ahead of me glided on through the water like a phantom, and the steady dip, dip of his dripping paddle kept time with the creaking of my oars. The movement of my arms became so monotonous that I fell into a half reverie and half dream. I was awakened from my drowsiness by a shout, and a moment later I heard the captain say: "The whirlpool cannot be very far away, for I can hear it. You had better pull in close to the shore and be ready to ground your canoe at any moment." My oars quickened and in a few moments we reached the land, only to find that we were running in a very swift current along a high undermined sandbank, which was caving in foot by foot. It was folly to think of making a landing there, as the whole mass was likely to sink under the slightest weight and engulf us. A faint roar, as of rushing, tumbling waters, could be heard in the distance, and as the sound increased it was apparent we were approaching it very rapidly. In twenty minutes we began to feel the peculiar effects of the eddying current in the neighborhood of the "sinkhole." It swung us from side to side for awhile, and then my canoe developed a sudden taste for waiting, which, try as I might, I could not control. I flew past a great snag at a rate which made my flesh creep, and the boiling water began to seethe and foam around us. That we had been drawn into the whirlpool was evident, and I shouted to the captain for advice as to how we should get out of the terrible circle. The answer came back from a distance of about fifty yards: "Pull towards shore with all your might. We are in the whirlpool." I knew what that meant. My canoe would be either torn to pieces on a snag or upset in the center of the whirling vortex if smooth water was not reached. Every time Boyton spoke his voice came from a different direction. Our relative position was plain. He was on one side of the funnel and I was on the other side. It was impossible to tell which was the right direction in which to pull, for one moment we were going up the stream and the next coming down again as the eddying current carried us around. I could hear Boyton grumbling manfully against the influence which was sweeping him in closer and closer to the real seat of danger. His paddle worked as though it was driven by steam until, finally, he passed beyond my hearing. My canoe began to rock from side to side, and some rough water broke over it. But there was no time to bail out, everything depended on my getting into the channel of the river again. We had been told that the whirlpool was strong enough to turn even the most powerful steamboats around, and as the feeling of fear grew upon me I strained every muscle and bent the lashed oars in my effort to reach a place of safety. In the height of my excitement I cracked one of the oars at the most important point, but as I threw myself into the bottom of the canoe, not knowing whether the whirlpool was great enough to suck me beneath the surface or not, I heard a grating sound, and the next instant my little craft grounded on a sandbar. It was the work of a moment to leap out and walk down the bar, towing the canoe after me, and I was in a smooth current again.

Removed from the noise of the swirling waves, I could hear the captain sounding on his bugle far down the river. I rowed in the direction of the music. Then I lost him again, and rowed along for several hours, occasionally shouting, but receiving no answer. About 3 o'clock next morning I was startled by a bugle blast almost at my side, and looking round found Boyton standing upright in the water about twenty feet away. "The next time I encounter a whirlpool," he said, "I will take good care to do it in broad daylight. There may have been little real danger at the heart of the swirl, but that current was fast enough to have wrecked us both against the slightest obstacle that presented itself."

The remainder of the voyage to St. Louis was tedious and uncomfortable owing to inclement weather, and on the 20th of November, Captain Boyton, with James Creelman, his first mate, cast anchor in the port of St. Louis. Boyton had traveled about three thousand miles in his rubber sack. He stated that the trip was the hardest he ever experienced, and he felt like a sick man physically. He concluded that he would require at least a year to rest up, and then he might try a trip down the Amazon. During his year of rest he hoped to be able to make good progress with his writing up of his "Roughing It in Rubber."

#### BRAVE BEAR KILLS A WHITE MAN

Brave Bear was the English name of an Indian who was among the first to pay the life penalty, according to law and the Treaty of 1868, imposed for the commission of crime in Dakota. He was a son-in-law of the renowned Sitting Bull; a shrewd, intelligent Indian, and one of the incorrigibles. He, together with Rain-in-the-Face, another of Sitting Bull's chiefs were charged with the murder of the DeLong family near St. Joseph, in Pembina County in 1876. Brave Bear was arrested and tried for the offense, at Fargo, in 1878. The evidence was sufficient to convict him, but the question of the jurisdiction of the court being raised, the judge held that as Pembina was an organized county, the accused should be tried by the District Court of that county. He was then transferred to Pembina County, confined in jail, broke jail, and with his Indian wife made his way to Fort Sully in 1879, where he was accused of murdering a young white man, Joseph Johnson, and robbing him of a sum of money and a horse. He then fled north and joined Sitting Bull in British America. He surrendered with the hostiles in the spring of 1881, and returned to near Fort Sully, where he was discovered and arrested for the Johnson murder. He was taken to Bismarck and had an examination before the United States commissioner, who found sufficient evidence of guilt, and held him for trial before the United States District Court at Yankton, in November, 1881. He made an effort to commit suicide by poison while in the Yankton jail, but recovered. He was indicted for the murder of young Johnson, a discharged soldier, tried and convicted at the November term of court, but the trial was not reached until late in the term. Judge Edgerton had succeeded Judge Shannon as judge of the district. The trial jury was composed of R. B. Finlay, Clay County; Erick Haralson, Lincoln County; William Allison, Brookings County; George Ford, Sr., Union County; Willis R. Stone, Brookings County; Isaac N. Esmay, Yankton County; Patterson F. McClure, Hughes County; Edwin F. Devo!, Deuel County; Andrew A. Quam berry, Clay County; Albert P. Hull, Deuel County; Ira Ellis, Union County; Duncan Ross, Union County.

But one day, January 4, 1882, was consumed in the trial. The principal witness was Edward Allison, a Government scout under General Terry. Brave Bear was found guilty of murder and sentenced to be hung. He was hung. His own admissions, frequently made to Allison and others, convicted him. Oliver Shannon, Esq., of Yankton, defended him, but he had no testimony to offer. The jury was out one hour. H. J. Campbell, United States attorney, conducted the prosecution. He was hung on November 23, 1882.

#### THE YANKTON INDIANS

The Yankton Indians, though members of the Great Sioux Nation require mention in history separate and apart from the other tribes of the same nation. We find them first in council with Lewis and Clark, near the future Town of



Yankton in 1804. They then send a delegation of their own tribe to Washington under Dorion. Next, a detachment of Yankton's accompany Colonel Leavenworth in his march against the Arickarees as volunteers in 1817; and wherever they are met with they are living independently and without association with the other Sioux. In making their treaty of 1858, they claimed and ceded a large portion of what is now South Dakota, east of the river, while the Government recognized their claim and purchased their land, giving them a reservation. We hear something from the Sioux on the upper river at this time—threats and declarations that the Yanktons exceeded their authority in selling the land without consulting the other tribes, but nothing came of it. No steps were taken to test the validity of the sale or purchase. And from that time on all of which has passed since the whites came in, the Yanktons have been treated as a separate nation in nearly every transaction, and have kept themselves scrupulously aloof from any entangling alliances with their kindred west of the Missouri. As this presents the facts in their career, and the historical narrative has followed the facts, the independent treatment accorded the Yanktons will need no further comment.

#### SIoux CITY LARGELY A PRODUCT OF DAKOTA

Sioux City had been for all practical purposes the headquarters and the central point for many Dakotans since the very earliest settlement of the country: in fact it was practically Sioux City people, those who had business and landed interests there that became the earliest settlers and who organized and set on foot the first associations for the purpose of laying out townsites, and establishing business in Dakota. Nearly all the pioneers of Yankton were "old timers" in Sioux City and had made and lost fortunes there during the speculation craze in land values that raged from 1854 to 1859. The firm of Frost, Todd & Co. had its principal mercantile interest there, and while Todd's family and residence were at Fort Randall, his business was transacted at Sioux City where he spent much of his time when in the West. The Sioux City newspapers were to all intents and purposes the exponents of the political ambitions and business enterprises of Dakotans, and General Todd himself was at one time a silent partner in the old Sioux City Register. The Register printing plant furnished the material for the first Dakotan office in Yankton. As Yankton grew in business enterprises, her merchants and others including the federal officials, patronized the substantial banking house of Weare & Allison, established in 1856, the pioneer bankers of Sioux City, and through such influences Sioux City continued to be the Dakota Metropolis, and to a great extent enjoys that distinction today. Its citizens have worked intelligently and successfully to make Sioux City a metropolis—a great trade, commercial and manufacturing center, and while their gain may have been purchased by loss in certain Dakota communities, it can not be denied that the citizens of the place have acted with great public spirit, with lavish liberality and with a foresight that has been justified time and again by bringing to their doors ample reward. It is now so far advanced, and still advancing, that with its network of railways reaching in all directions, it can hardly fail to grow and expand and become a rival for all time of all Missouri River cities west and north of St. Louis, and no doubt it will always continue to be a sort of headquarters for a large section of South Dakota, as Kansas City, Mo., is the commercial metropolis of Central and Southern Kansas.

#### INVESTIGATING FORT PIERRE

Reports of a semi-scamandalous nature were in circulation regarding the lawlessness and disorder prevalent at Fort Pierre in 1880. This point was then the starting point for a large proportion of the supplies which were daily going in to the 15,000 people then inhabiting the Black Hills, and being on the Sioux Reservation was without any form of government other than the restraint placed on the extremely lawless classes that had gathered there for sports, gambling,



and an occasional disturbance by a small force of troops. The interior department being appealed to to provide measures to restrain the worst forms of disorder, the secretary of the interior requested the war department, which had stationed a company or two of troops there, commanded by Colonel Bartlett, as a prudential measure, to remove the people therefrom as the Indians objected to its occupation. The colonel was not ordered to make any removal but to investigate the matter and report, which he did. He reported that there were 100 houses in Fort Pierre, 300 permanent residents, and 500 transient residents. He stated that 20,000,000 pounds of freight had so far (up to July, '80), this year, 1880, been shipped to the hills from there, and this amount would be largely increased. He stated that the town was a necessity and that the route was the best one to the gold fields. He mentioned the numerous dance houses that were maintained as the only serious drawback to the peace and quiet of the village, but did not suggest a remedy. Nothing was done at that time to remove the transient element.

The Northwest Transportation Company was organized at Pierre during the winter 1880-81, with Capt. Russell Blakesley, manager. This company put on a line of stages and freight trains between Pierre and Deadwood. It was a sub-organization of the Chicago and Northwestern Railway, and enabled the Northwestern to bill passengers and freight through from Chicago to Deadwood. It was designed to secure for Chicago and the railroad company a portion of the commerce that had been controlled by St. Louis and the steamboat lines.

#### FORT PIERRE AND PIERRE

A steam ferry boat was built at Pierre in 1881 from materials shipped from Chicago. It operated between Pierre and Fort Pierre.

Pierre, the present capital of South Dakota was laid out in 1880 by the Dakota Central Railway Company, a subordinate corporation of the Chicago & Northwestern. It was the terminus of the road on the Missouri River, and opposite the prominent settlement and unorganized Town of Fort Pierre which had grown up to be an important business center since the Black Hills were opened, and the Government wagon roads established connecting it with the mining regions. Its occupation as a town must have been a privilege granted by the treaty ceding the Black Hills. Fort Pierre, being located on the Great Sioux Reservation was beyond the authority of the territorial laws and county organization, and became to some extent a disorderly community, though having a large majority of good citizens who exerted themselves to maintain law and good order. But without legal authority—courts and officers—it is a very difficult matter to keep in restraint the very large class of men who find employment in freighting through a country exposed to such hazards as at that time beset the overland routes to the hills.

About the time that the Northwestern Railway reached Pierre, the company procured a lease from the Indians, through the interior department of a mile square of land at Fort Pierre on which to establish their warehouses and offices necessary to accommodate the successful forwarding of their Black Hills business. The company expected to control the boisterous element of the population, but its lease of the land gave it no police or judicial authority; the land was not within the jurisdiction of the territory, and it was only where some offense against the Indian intercourse laws was committed that the Federal courts could take judicial notice of it. A company of United States troops had been stationed either in the town or near by, for the purpose of quelling any serious outbreak or wild disorder, but they would act under instructions from the war department, and took no part in the ordinary policing of the city. Owing to this situation, and that at times as many as 1,500 people were gathered at the place, that dance houses and gambling houses flourished, though no liquor of an intoxicating kind was openly sold, Fort Pierre obtained the reputation for a time of being "fast and furious."

## BROWN COUNTY—ABERDEEN FOUNDED

Brown County was defined by the Legislature of 1871. The Brown County bill changed the entire geography of the James River Valley from Davison County north to the 40th parallel. Many changes in county boundaries were made by the bill and new names took the place of older ones, which strengthened it with the members of the Legislature. There did not appear to be any public demand for the measure, but its author and projector pushed it with such energy that he secured its success and earned for himself the sobriquet of "Consolidation Brown." Mr. Brown was a native of Canada, settled in Hutchinson County in the '70s, was an intelligent go-ahead man, had been elected from Hutchinson to the Legislature, and took this method of stamping his footprints in the soil of the territory. But he was not an audacious man at all, and when his county bill was first presented to the Legislature the large square subsequently answering to the name of Brown County, was without a name, and Mr. Brown was given to wondering what he had best call it. With that reserve which is frequently met with in the ranks of meritorious men, Mr. Brown insisted that he was at loss for a name for the county which occupied such a prominent position, and in this quandary some sympathetic friend suggested the name of "Brown." This seemed to awaken a pleasant emotion in Mr. Brown's mind, and it is related that he made no further search for a title. Being subsequently interrogated as to his object in making the county so large, he explained that it made no difference, as that part of the territory would never be thickly populated.

The first settlement in Brown County was made before the county boundaries were defined, and was an incident of the beginning of the heavy immigration which began in a mild form in the spring of 1878, during the Drifting Goose Indian excitement in that portion of the James River Valley. These first settlers are said to have been Clarence D. Johnson, William Young, Hattie Young, a sister, and Benjamin Arendall, who located on the west bank of the James River on unsurveyed land, though the 5th standard parallel had been located near their claims, which subsequently proved to be in town 101, range 63. The Johnson mentioned was a brother of J. S. Johnson, the discharged soldier, whom the Indian Brave Bear killed and robbed, for which crime he was some years later convicted and executed at Yankton. The victim of Brave Bear was doubtless on his way from Fort Sully to join his brother, when he was slain. There were no railroads in Brown County at this time. In 1879 Mr. B. M. Smith located on the present site of Columbia, which had its first settlement that year. In July, 1880, the county was organized, D. C. McKenzie, J. R. James and Clarence D. Johnson were appointed the first county commissioners and Columbia was made the temporary county seat. Immigration flowed in rapidly, coming largely from Minnesota by way of Watertown.

The first locomotive reached Aberdeen, July 6, 1881. It came over the Hastings and Dakota Railroad. There were no improvements on the town site at the time, but they were made rapidly and in surprising numbers following this event. A year later there were 194 buildings in the town, sixty-eight of them business houses, and 800 inhabitants. There was also the Milwaukee Railway from Mitchell, and the Northwestern from Huron which went on to the Town of Ordway. It was something of a magic city.

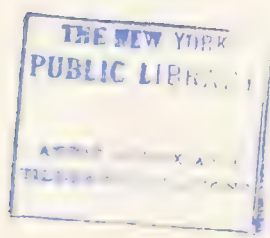
An artesian well had been sunk by the Milwaukee people near where their depot was to be placed, and a lake of pure artesian water of respectable dimensions covered a large number of vacant town lots.

The artesian well was one of the most generous in quantity of water thrown out in a specified time of any that had been successful up to April, 1882. The water gushed out with great force at the rate of 2,000 gallons a minute. The temperature was 58°, and pressure 132 pounds to the square inch. It was claimed to be the largest and most powerful flowing well in the world. The water was muddy and sandy when it came from the well but when filtered was

pure and wholesome for drinking purposes. It became clear in the course of time, and it also provided Aberdeen with a magnificent lake right in the center of its busy population that threatened to become a permanent settler.

The story of Aberdeen's enterprise in securing a new railway connection with the great lakes, is related in the following paragraph printed about the close of December 27, 1885:

About a year ago a meeting of the citizens of Aberdeen decided that it was necessary that Aberdeen have an east outlet by way of Duluth. Steps were at once taken to secure a road. The Aberdeen, Fergus Falls & Pierre Railway was incorporated by John T. McChesney, president; C. A. Jewett, secretary; T. H. Haggerty, treasurer; J. H. Perry, Henry Beard, James Ringrose, C. T. McCoy, directors, five of this list residents of Aberdeen. As to routes, various ones were examined, and it was finally decided to connect with the St. Paul, Minneapolis & Manitoba (afterwards called the Great Northern) at Campbell Junction, Minn. In May, 1886, grading was commenced and progressed rapidly. Track laying had been pushed ahead through blizzard and cold weather. Two gangs were employed, one for day work and one for night, in order to reach the limits of Aberdeen by January 1, 1887. The citizens of Aberdeen had voted \$25,000 bonus to the company if Aberdeen was reached by the time stated, and the company earned and received the bonus. Three hundred members of the track-laying crew were given an Aberdeen banquet on Christmas eve in recognition of their "staying qualities" during the heavy snows and frigid temperature which had been characteristic of the fall and winter. This made Aberdeen the hub city of seven independent railway lines radiating to as many important points, and laid a substantial foundation for the enterprising and prosperous city which has since grown up around the "hub."







FORT BENTON IN 1876

## CHAPTER LXXXVII

### MISSOURI RIVER IMPROVEMENT

1882

AN ENCOURAGING OUTLOOK—MAYOR HACKETT OF BISMARCK EXPLORES MOUSE RIVER VALLEY—JAMES RIVER HEADWATERS DISCOVERED—CHIPPEWAS OF TURTLE MOUNTAIN—BISMARCK AND TURTLE MOUNTAIN RAILWAY—TURTLE MOUNTAIN COUNTRY THROWN OPEN TO SETTLEMENT—MISSOURI RIVER IMPROVEMENT—DELEGATE PETTIGREW'S BILL FOR A SURVEY OF THE UPPER RIVER—WATERWAYS CONVENTION AT ST. PAUL—DAKOTA CONTRIBUTES TO THE PROCEEDINGS—REPORT OF THE MISSOURI RIVER COMMISSION—THE CAMPAIGN FOR DELEGATE TO CONGRESS—THE REPUBLICAN CONVENTION AT GRAND FORKS—PETTIGREW, HAND AND RAYMOND THE CANDIDATES—RAYMOND NOMINATED BY COMPROMISE WITH PETTIGREW—DEMOCRATIC TERRITORIAL CONVENTION—CONVENTION ENDORSES DIVISION—NOMINATION OF STEELE, OF LAWRENCE COUNTY—HE DECLINES—JUDGE BROOKINGS NOMINATED BY THE COMMITTEE—HOW THE STATES OF DAKOTA CAME TO BE NAMED—THE RAISING OF DOMESTIC ANIMALS FOR MARKET—TWO YEARS' INCREASE OF POPULATION—DAKOTA'S FIRST PENITENTIARY COMPLETED AND OPENED—INSANE HOSPITAL DESTROYED BY FIRE.

#### ENCOURAGING OUTLOOK IN 1882

The good year 1882, the first six months at least, was a year of great expectations to the people of Dakota Territory, and these great expectations were centered in a division of the territory and the erection of a state government in the southern half below the 46th parallel; the northern half retaining the territorial government. Negotiations were initiated this year for obtaining, by cession, a portion of the Great Sioux Reservation.

Encouraging words for a statehood movement came first from the outside world. The State of Dakota was claimed to be a necessity to keep the balance of power where it belonged. The senators and representatives were needed by the grand old party, whose majority in Congress was threatened. A possible disaster was impending and it could be prevented by making Dakota a state. But a more forcible and legitimate argument than this was that the territory was entitled to admission, being possessed of the necessary population, industries, and ample domain. We were told by the outside parties that the people of the territory were anxious to have their territory erected into a state. The people wanted better provision for public education. They were expending hundreds of thousands per annum for the support of their common schools, which amount was raised by taxation. The territory had within its boundaries 5,360,451 acres of public lands reserved for common schools, but could make no use of them until their territory became a state, and the value of these lands was depreciating for the want of protection, and the value of the lands surrounding them was impaired because these lands were uninhabited and non-productive.

It was urged also by outside friends that the territory be divided into two equal parts on the 46th parallel of latitude—the southern part admitted as a state, as it possessed the requisite population and resources, and that the northern part be given the territorial organization, not having at this time the population that would entitle it to demand admission into the Union sisterhood. All this came from the outside, but it corresponded harmoniously with the prevailing sentiment within the territory. It did not need this encouragement nor any encouragement whatever to move the people of Dakota to bestir themselves for a state government and a division of the territory. It was a goal they had been striving to reach for five years; but it was exceedingly gratifying to learn that powerful influences from without and reaching to the halls of Congress had discovered that statehood was due to Dakota in justice and in accordance with well established precedent.

#### THE MOUSE RIVER VALLEY

Mayor Edmond Hackett, of Bismarck, in the late winter of 1881-82 (March), made a reconnoissance survey for the Bismarck, Mouse River, Turtle Mountain & Manitoba Railroad Company, designed to connect Bismarck with that terra incognita known as the Turtle Mountain country. His survey and explorations led him to the international boundary line where it crosses the Turtle Mountains. During this trip through the Mouse River region, he found a fine country, well adapted to farming and cattle raising, and he declared it to be equal in extent to the Red River Valley.

In his report to Vice President Jewell, of the company, he says:

I have discovered the source of James River, and will note it in this report for the benefit of Dakota geography. The stream rises on the north side of the Dog Den Mountains, and only forty miles from the Missouri River. It is formed from many springs coming out from the base of these mountains. I followed its course ten miles and am satisfied that it is no other than the head of the James River. Its course from here is due east. I have taken my course from Villard, a little east of north, to this point on the boundary line, crossing the Mouse at right angles twice, the last time six miles below Little Medicine Lodge. I find it to be the most beautiful country the sun shines upon. A level prairie, stretching away as far as the eye can reach, with the exception of the obstruction called Turtle Mountain.

I spent two days on the west side of Turtle Mountain, and examined its water and timber to some extent. It is the heaviest timbered region in Dakota, not excepting the pine-clad peaks of the Black Hills. The varieties of timber growing on Turtle Mountain are of a valuable kind. Ash, oak, some elm, but the greater portion is quaking asp, a species of poplar or whitewood. The trees grow tall and thrifty, and from two to three feet in thickness. This timber is very much needed in the Northwest, and is a prize worth contending for. Turtle Mountain seems to be very extensive, and looks to an observer somewhat like the Black Hills, and no doubt contains minerals. The Willow River flows down across the west side, taking its course for the Mouse. There are some fine water powers on this river. The Mouse River Valley is larger than the Red River of the North Valley and is better timbered, and better adapted to grazing. A railroad to Bismarck could be built on the proposed route at a comparatively trifling cost. No heavy grades—nothing but a level and fertile prairie to run over. Ties can be procured in quantity along the line.

I will start tomorrow and cross the mountain to the half-breed settlement, on the east side of the line, and will forward you this report.

Turtle Mountain, D. T., March 16th.

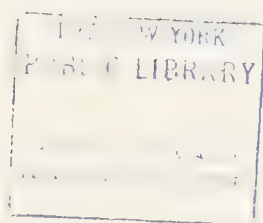
As I stated in the above, I wish to inform you that I have accomplished the journey after four days' hard traveling. I intended to cross the southern range, but could not on account of the heavy snow that has fallen, and I was compelled to go round the south side on the traveled road or trail, some sixty miles, to the half-breed settlement on the east side of the mountain. Myself and party struck the settlement about 4 o'clock in the evening, both stock and men pretty well fatigued from hunger and exposure. The grass was covered with snow, so that our animals could not procure any pasturage. When first we discovered the settlement we were saluted with the howling of about fifty half-starved dogs. The village is scattered over some three or four hundred acres; the buildings or dwellings consist of small log huts mainly, with some tepees made of skins. The general appearance of these improvements is dilapidated. Each family has a patch of about an acre under cultivation which comprises their farms. I was met by the chief at once, and he wanted



JOHN B. RAYMOND

Delegate to Congress from 1881 to 1885





to know my business, and was surprised to see a party of white men in his country at this time of year. I told him I was instructed to go to his village and have a talk with the chief, to find out their condition. He kindly invited me in his tepee. The name of the chief is "Black Bear," and he talks broken English. He is not a full-blooded Indian. I entered the lodge; two women seemed to be the only occupants. After the pipe was handed round, supper was ordered and was gotten up on short notice, consisting of Mouse River fish, hard bread and coffee. I asked him if he was the head chief of the Turtle Mountain band of Chippewas. He answered, "No," the head chief, he said, "lived at Woody Mountain, on the other side of the international line." I asked why he did not live there with his tribe. He said the chief became disgusted here with his people and would not live with them. He also said the chief at Woody Mountain held the papers from the President for these lands. I asked how they proposed to dispose of these lands, and learned that the half-breeds wanted a reservation sixty miles long and fifty miles wide, and a certain sum of money to the chiefs. I told him that I did not believe the Government would give a reservation to the half-breeds, but that they could take 160 acres, the same as a white man, under the homestead, or pre-emption law. He said the half-breeds should have a reservation as the whites had all the money. I asked him what he thought about going to the White Earth Reservation, and he said they would not go anywhere until they got pay for their lands, and then they could go where they pleased.

This ended the conversation for the evening, and he kindly procured us a lodge for the night. During my stay I looked the matter over carefully, and I find not a full-blooded Chippewa in this tribe called the Turtle Mountain band of Chippewas. They are nothing but a renegade set of half-breeds from the various tribes of Northern and Canadian Indians. There is not over 250 souls all told in this so-called band of Turtle Mountain Indians. They are settled here in this remote part of our territory on the boundary line. They are the outfit that have been furnishing Sitting Bull and his band of cut-throats and murderers with ammunition and guns during all our frontier troubles, and now they are perched on this mountain, on the boundary line, ready to jump from one side to the other, as the case may be; and after all this they have the cheek to ask the Government for a reservation 60x50 miles,—the best lands in Dakota.

There is a small trading store here kept by a party named Bruce, from Pembina. His goods are all shipped over the line, and I should judge his duties are not looked after. There is a large flouring mill twenty miles north of here on the Manitoba side, on a branch of the Pembina River. The country east from here seems to be somewhat broken, but is well watered and timbered. The mountain is forty miles wide at the line and is a solid body of timber. It would be safe to say there is 10,000 square miles of timbered country here in North Dakota. Timber enough to supply two generations. People do not know the wealth that is to be found here. Very little of it is known to the outside world.

Eighteen months ago it would not have been safe for a white man to have put his foot on this soil, but since the surrender of Sitting Bull, the white man can travel here with perfect safety. I will start for Villard in a day or two as soon as our stock has recuperated.

Villard was 100 miles north of Bismarek, and was located on the Mouse River in McHenry County. The stockholders of the Bismarek, Mouse River, Turtle Mountain & Manitoba Railway Company were made up of the substantial element of Burleigh County's citizenship, and included outside capitalists. The directors of the company were John E. Carland, John P. Dunn, John A. McLean, James A. Emmons, C. R. Williams, Erastus A. Williams, Donald Hanna-ford, E. Hackett, Alexander McKenzie, David Stewart, and H. M. Jewell. Erastus A. Williams, of Freeport, Ill., was president of the company; M. H. Jewell, vice president; David Stewart, secretary; John P. Dunn, treasurer; and Alexander McKenzie, general manager. A preliminary survey of the line was made from Bismarek via Villard to the Manitoba boundary during the year.

In January, 1883, President Arthur, by an executive order, withdrew from settlement six townships of land in Rolette County, on the northern boundary of the territory, for the use of the Turtle Mountain band of Chippewa Indians. The tract withdrawn embraced townships Nos. 159, 160, 161, 162, 163, and 164, north; ranges Nos. 70, 71, 72, 73 west.

Mayor Hackett's report continues:

West of Fort Totten the land in places is broken, though the soil is excellent even at the summit of the highest elevations, and going further west the topography changes to great wave-like swells, forming small valleys a mile or two in width, and this is repeated until we reach what are locally called the "Great Flats," about twenty miles west of Totten. Here the country assumes the appearance of a vast and deep basin, and one keeps going down the side of the basin until the bottom is reached, where the valley is met with;

this is about four miles across; when another ascent is made of the incline on the west side of the basin, which leads over and down into a much larger valley; and here the first object to interest attention is a small lake, known as Wood Lake, which name it has because of the timber which borders its pebbly beach. The aggregate of the timber here was not far from two hundred and fifty acres, nearly all hardwood. The lake is fed by a large spring of excellent water—cool, of course, and refreshing. The half-breed people who in moderate numbers make up the population of the valley, claim that the lake has nothing but water under it, no matter how deep you go. Its waters are crystal clear and the air near is freighted with a humid flavor. This lake is about one mile long and an eighth of a mile in width, and is without a doubt the head of the Cheyenne River. It is about forty-five miles west of Fort Totten. The country west of Wood Lake is well located for settlements on a large scale, being slightly rolling, and abounds in small lakes. This characteristic continues for nearly one hundred miles west of Totten when the Mouse River Valley is reached after crossing a range of hills of respectable proportions.

Standing upon these elevations the view of the famous valley that forms a connection between the two leading civilized nations of the earth is a splendid theme for the pencil of the best of artists—those who have enjoyed this view declare that its fascinating grandeur robs one of any desire to speak—one is held spellbound by the loveliness and immensity of the picture spread out in the foreground. This valley would seem to have been here at some early day without any river for a companion—the stream would seem to have been cut out of the valley. This fine stretch of valley or bottom land is as level as the surface of a floor, just as far away as your strength of vision will permit you to get a glimpse of its uttermost limit. As one becomes better acquainted with the country he learns that he is in one of the largest valleys in the Northwest, having a width not far from forty miles and a length of eighty. Its name comes from the Mouse River which rises across the line in the possessions of Great Britain, courses south and east about one hundred miles when it turns rather abruptly and flows back to its fatherland, emptying its waters into the Assinaboine. On this side of the line it waters Renville, Ward, McHenry and Bottineau counties.

The Turtle Mountains were the largest mountain range in the territory east of the Missouri River, lying northeast of the Mouse River Valley, and about twenty-five miles from that river. Beds of coal are scattered here and there through the valley. Geologists couple it with the Red River Valley, and find what they consider ample evidences that the waters of a past age covered it, and a veritable sea existed there bordered probably by the Turtle Range on the northeast. In modern ages its sea of water diminished to the singular stream, the Mouse River, which remained as its legacy. The Indians found it a profitable region for large game, and abundant pasturage for their herds of ponies, while the fur bearing animal yielded for a century or more, a rich harvest annually to the Hudson Bay traders. Partially civilized and peaceable half-breeds were its only inhabitants in the early '80s, and in a general way, they were prosperous for such people of only moderate ambition, raising some grain and fine herds of cattle and horses. The vehicle altogether in vogue was the Red River cart.

#### TURTLE MOUNTAIN COUNTRY OPENED TO SETTLEMENT

Delegate Pettigrew, being authorized thereto by a memorial from the Legislature of Dakota, presented a bill to the House of Representatives to provide for a commission to treat with the Turtle Mountain Chippewas. He then made further investigation of the matter, and concluded the Indian claim was not valid and ceased his efforts to promote the making of the treaty. It would appear that he made still further investigation and concluded that his first movement in behalf of a treaty was justified, and urged the measure providing for a treaty commission that could investigate the equities and validity of the claims of the Indians with authority.

It appeared from reports of reliable men who had personally visited the Turtle Mountain country and acquainted themselves with its inhabitants, that there was no such tribe of Indians as the Turtle Mountain band of Chippewas:

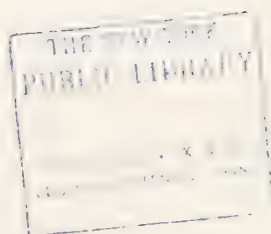


ROPE FERRY ON RED RIVER NEAR FORT ABERCROMBIE 1862  
Minnesota settlers fleeing from Indians



STEAMER "IDA REEL" AT PIERRE LANDING 1887





but there was about two hundred half-breed settlers in the Turtle Mountain country and Mouse River country, who claimed the land. The Government, however, had never recognized the title of a band of half-breed Indian exclusively to any portion of the public domain, and a portion, at least, of these half-breeds were conveniently British subjects or United States subjects, as their interests inclined. They were at liberty to become citizens and take up homesteads and pre-emptions, but they had no defensible title, as an Indian tribe, because they had never been a tribe.

The lands embraced in this Turtle Mountain country and the claim of the Indians had been before the Department of the Interior for some years, with a prospect of being decided in their favor. On the incoming of Hon. Henry E. Teller, as secretary of the interior under President Garfield, he caused a rigid investigation to be made of the question of title, and based upon that examination he declared the Indians had no claim to the land whatever; and the entire tract was thrown open to settlement. It embraced the country within the following boundaries, to wit:

Beginning at the east end of Devil's Lake, Dakota Territory, thence along the eastern boundary line of the Sioux Reservation, which lay immediately south of the lake; south 20 degrees and 30 minutes east to the Cheyenne River, thence to Stump Lake; thence to headwaters of Salt Creek; thence due north to the international line; thence west to La-Rocke Perce; thence in a southerly direction to the headwaters of Knife River; thence to Dog's Den; thence to the west end of Devil's Lake; thence along the north shore of Devil's Lake to the place of beginning.

This included portions, in some cases all of the counties of Pembina, Cavalier, Ramsey and Grand Forks.

#### SURVEYING THE UPPER MISSOURI RIVER

The House of Representatives appropriated \$25,000, in the river and harbor bill, in 1882, for a survey of the Missouri River. When this bill reached the Senate Delegate Pettigrew filed a statement with the Senate committee asking an increase of the appropriation to \$50,000, in which he explained his reasons for requesting the increase, in substance, as follows:

The Missouri River has never been surveyed from the north boundary of Nebraska to the Yellowstone, a distance of 1,000 miles by the river. On this stretch of river there is more commerce than upon any other stretch of the same river of equal length. From the Town of Yankton, about twenty-three steamboats, of 11,400 tons capacity, received and discharged their freight during 1881. This is a larger number of boats than run from any other point on the river, either above or below, unless it be from Bismarck, which is also located upon this stretch of unsurveyed river, from which point over twenty boats load and discharge their freight from and to points upon the river above that place. In 1881 there was shipped from Bismarck 21,000,000 pounds of private freight for points above on the Missouri River, and 7,200,000 pounds of military freight. There was shipped from Bismarck to points on the Yellowstone River, 8,400,000 pounds of freight, making in all 36,600,000 pounds of freight from this point alone. There were transferred from Bismarck 10,000 passengers, 160,000 buffalo skins, and 180 tons of wool, besides a large amount of fur and other pelts received.

There are three railroad points on this stretch of the Missouri River, other than Yankton and Bismarck, namely: Pierre, Chamberlain and Running Water, from which points several boats received freight. The Government engineer who was in charge of the improvement work on the Missouri near Vermillion, endorsed the application for an appropriation of \$50,000 for the survey.

The Senate made the desired increase.

The navigable portion of the Missouri River had been found to measure 3,150 miles. The river through its many tributaries drains an area which has been carefully computed at 518,000 square miles.

#### RIVER IMPROVEMENT CONVENTION

The Mississippi and Missouri River Waterways Convention held a meeting at St. Paul, Minn., beginning September 3, 1885, and continuing several days.

The object of the meeting was the promotion of plans to secure the improvement of the rivers named and the Red River of the North in the interest of navigation, and to enlist the co-operation and financial aid of the Government in the work. The Mississippi interest was predominant at the convention, which was made up of about eleven hundred delegates from the Missouri and Mississippi states and territories. Mr. Warner, of Kansas City, was elected president, though Governor Bross, of Illinois, was the favorite of the Mississippi interest. In the organization Dakota was given recognition on the following committees:

Credentials—Hon. Johnson Nickeus, Jamestown; S. E. Young, Sioux Falls.

Permanent Organization—John O. Gifford, McCook County; E. O. Faulkner, Sully County.

Rules of Order—Hon. G. H. Westover, Pierre; Capt. H. E. Maloney, Bismarck.

Resolutions—Hon. W. H. H. Beadle, Yankton; John H. King, Chamberlain; C. A. Morton, Mandan.

General Beadle was also appointed chairman of the Committee on Resolutions, and submitted and read the report of the committee on the second day of the proceedings.

After reciting at length the vast area of the United States drained by the Mississippi and its value to millions of people as a commercial channel, facts well known and recognized, the resolutions gave attention to the Missouri River in the following plain and comprehensive language:

Whereas, The Missouri River, one of the largest and longest rivers in the world, watering an agricultural and mineral country unsurpassed in wealth, its borders populated by over six million people, yet never having received a direct appropriation from the national Government for its general improvement prior to the Forty-seventh Congress; therefore, be it,

Resolved, That we earnestly recommend and urge its present and permanent improvement upon a general and systematic plan, to prepare it for commerce by steamers and barges, and we urge the policy of large and continuous appropriations by Congress therefor. We further recommend that the improvement be carried forward as a distinct and separate measure, and in not less than five divisions of the river, and under United States engineers and civilians resident thereon, with equal application to the several divisions. We urge the prosecution of this work upon a scale commensurate with the wealth and growth of the great country tributary thereto, its remoteness from eastern markets, and the fitness of the river for a great commerce. We further recommend the construction of ways at various points for the protection of boats against damage from ice.

Resolved, That this convention urges upon the Government to appoint upon the Missouri River Commission, engineers and civilians residing upon and interested in the improvement of the Missouri River, and whose other interests are not incompatible with their duties as members of such commission.

Resolved, That we do also recommend an appropriation sufficient to immediately complete the work undertaken, and that may be necessary for the improvement of the Red River of the North and tributary adjacent lakes and streams.

Resolved, That in the opinion of this convention an annual appropriation of \$25,000,000 for the improvement of the rivers and harbors of the United States and the construction of artificial waterways would not be extravagant, and could be expended so as to enrich the country far beyond the amount so appropriated.

The reading of the resolutions, only a portion of which are given above, was interrupted frequently by marks of approval, and at the conclusion of the reading they were unanimously adopted. In preparing the resolutions the committee overlooked the importance of directing attention to the enormous waste of our best agricultural lands, amounting annually to tens of thousands of acres, priceless as the basis of the world's food supply, and irreclaimable. It would seem that this feature of the unprotected situation of the rich soil bordering the rivers was of greater importance than all else. The adequate protection of the river's banks against the erosion of flood waters, and the consequent mitigation of our annual spring floods which cost the people many millions of dollars and dire hardship, would all find a remedy in the proper improvement of the rivers.

Following the adjournment of the general convention the Missouri River delegates met and formed an organization, electing L. R. Holter, of Logan, Ia., chairman, and adopted appropriate resolutions, the preamble reading:

Resolved, That we, the delegates in attendance upon the waterways convention at St. Paul, who are residents upon and near the Missouri River, do hereby organize ourselves into an association to be known as the "Missouri River Improvement Committee," for the purpose of promoting the improvement of that river throughout its navigable course.

The following officers were elected: President, L. R. Holter, Logan, Ia.; secretary, W. H. H. Beadle, Yankton, Dak.; treasurer, J. D. Barker, Grand, Kan. John R. King, of Chamberlain, was chosen vice president for Dakota, and Mr. Beadle was also made corresponding secretary. Missouri, Kansas, Nebraska, Montana and Iowa, with Dakota, were represented in this convention and among the officers.

A Missouri River convention was decided upon, and a meeting of this committee was called to assemble at Kansas City November 18th to make arrangements for the convention. The committee authorized each state and territory belonging to the Missouri River Valley to select two delegates to constitute a committee to wait upon Congress and present the results of the convention. The members of this delegation selected for Dakota were D. M. Inman, of Vermillion, and Alexander McKenzie, of Bismarck.

#### IMPROVING THE UPPER MISSOURI

The following is an abstract of the annual report of the Missouri River Commission concerning the condition and needs of the river above Sioux City:

The commission recommends that for the present work be mainly confined to the construction of dams and the dredging of shoals on the "Rocky River" above Carroll. Below that point the snag boat should be kept at work removing obstructions, and funds should be provided therefor. For these purposes, and for certain experimental dams to be constructed near Bismarck, the commission recommends an appropriation of \$160,000.

For continuing the survey of the river and for obtaining the data necessary for a proper study of the important interests committed to their charge, the commission recommends a separate appropriation of \$150,000, which shall also include the salaries of the commission.

The last river and harbor bill, that of July 5th, 1884, appropriated \$150,000 for a survey of the Missouri River above Fort Benton. The commission having found no present necessity for such a survey, has held the money and recommend it to be reappropriated and made available for the survey of the river below Fort Benton.

The report of Capt. J. R. Quinn, officer in charge of the work of improvement between Sioux City and Fort Benton, is in brief as follows:

The project for the improvement of the Missouri River from Sioux City to Fort Benton, having been submitted for the consideration of the commission, so much of it as referred to the improvement of the rocky portion was approved, and the necessary statements of the funds available for the work were made December 23, 1884. Steps were immediately taken to carry out the designs of the commission. Dredgers, snag boats, and all materials necessary for prosecuting the work were secured.

The work of dam building was carried on to some extent, but owing to the failure of the last river and harbor bill, no funds were available for snagging. There are a great many snags at present obstructing the channel, and their removal is of pressing necessity. It is hoped that this important work may be begun next season, since the boat with which to do it is already on hand. It is recommended that as soon as the ice goes out, the work of snagging be begun at Sioux City and continued up the river until the high water prevents, the boat then to proceed to the upper portion of the river.

No work upon the sandy portion of the river has been attempted during the last year. Captain Quinn has a project before the commission for improving the sandy portion which would require an appropriation of \$160,000 for the coming year.

All the work done thus far upon the Missouri River, between Sioux City and Fort Benton, under the direction of the commodore, has been of a preparatory character, though some improvement in the channel is already noticeable. Captain Quinn thinks that the permanent improvement of this portion of the river at a very moderate outlay, is entirely feasible. As this is the portion that at present presents the greatest obstacles to navigation, it should receive the earliest attention.

But while the improvement of the river may admit of slight delay, says Captain Quinn, it must be borne in mind that as the country develops the river commerce will increase,



and a better channel will become a necessity. The land along the river is not yet occupied. But the brush and timber now available for improving the channel will soon be in the possession of private parties who will exact from the Government its full value, and in consequence, feasible works of improvement today may, for financial reasons, be impossible in the future. Already the character of the commerce upon the Upper Missouri is assuming a feature that points to its permanent increase. This feature is the fact that the down river freight is almost equal to that carried up stream and bids fair to exceed it in a short time. The cereals raised in the Upper Missouri Valley are the finest in the world, and the apparently inexhaustible beds of coal and iron ore, close to good water power, only await development. The cattle and sheep industry is growing rapidly. It needs but a casual glance to convince one that the possibilities of this great region have not yet been even guessed at.

The wild and wayward Missouri must in time yield to persistent but gentle treatment and develop into a deep and commodious avenue wherein the commerce of this country shall pass securely and economically.

#### LAND DISTRICTS OF HURON, ABERDEEN, WATERTOWN AND JAMESTOWN

Congress established two new land districts in Dakota Territory by act of March 23, 1882. The first named was bounded as follows:

Commencing at the southeast corner of township 109 north, range 59 west of the 5th principal meridian; thence west along the 2d standard parallel north to the Missouri River; thence up and along the east bank of said river to a point where the 5th standard parallel north intersects said river; thence along said standard parallel north to township 120 north, range 59 west; thence south to the southwest corner of township 113 north, range 59 west; thence east to the southeast corner of said township; thence south to the place of beginning; be, and the same is hereby constituted, a new land district, the office of which shall be located at such place as shall be designated by the President of the United States.

The President designated Huron as the seat of the office.

The second district boundaries were thus defined:

Commencing at the northwest corner of township 120 north, range 59 west of the 5th principal meridian; thence west along the 5th standard parallel north to the Missouri River; thence up and along the east bank of said river to the south line of township 130 north; thence east along said line to the northeast corner of township 129 north, range 59 west; thence south to the southeast corner of township 129 north, range 59 west; thence east along the 7th standard parallel north to the northwest corner of township 128, range 59 west; thence south to the place of beginning; be and the same is hereby constituted a new land district.

The President appointed Aberdeen as the seat of the land office.

The Watertown Land District boundaries were newly defined in this act, as follows:

Commencing at a point where the 2d standard parallel north of the 5th principal meridian intersects the eastern boundary of said territory; thence west along said parallel to the southeast corner of township 109 north, range 59 west; thence north to the northeast corner of township 112 north, range 59 west; thence west along the third standard parallel north to the 8th guide meridian; thence north along said guide meridian to the northwest corner of township 128 north, range 59 west; thence west along the 7th standard parallel north to the southeast corner of township 129 north, range 59 west; thence north to the southeast corner of township 130 north, range 59 west; thence east to the eastern boundary line of the Territory of Dakota; thence southerly on said boundary line to the place of beginning. -

The land office was continued at Watertown.

On the 6th of March, 1882, Delegate Pettigrew introduced a bill for an additional land district in the territory, with the following boundaries, to be called the Jamestown Land District, to-wit:

Commencing at the southeast corner of township 130, range 60; thence north to the 6th standard parallel; thence west to the southwest corner of township 139, range 61; thence

north to the 14th standard parallel; thence west to the 11th guide meridian; thence south to the 11th standard parallel; thence east to the 10th guide meridian; thence south to the southwest corner of township 130, range 73; thence east to the place of beginning; be, and the same is hereby constituted a new land district to be called the Jamestown Land District; the office of which shall be located at Jamestown, D. T.

#### THE POLITICAL CAMPAIGN OF 1881-82

It was apparent quite early in the territorial political campaign of 1881-82 that the republicans of the northern portion of the territory expected to be able to secure the nomination of a northern man for delegate to Congress, probably John B. Raymond, of Fargo, ex-United States marshal. The north had but 100 votes all told in the convention, while the total number was 343; but the active strife between the Pettigrew and Hand forces in the south gave promise of a somewhat equal division of the southern delegates between these candidates, while the Black Hills were considered a battleground between Pettigrew and Raymond. The north was not unanimous, but nearly so. There was friction between the Red River and Missouri River representatives. The Red River, however, was by far the strongest, and its managing politicians had control. They did not antagonize either of the southern forces, but maintained a prudent neutrality in order that they might be prepared, as peace-makers, to make an amicable arrangement with either of the southern factions when the time came to nominate the delegate.

The preliminary campaign was unusually aggressive in the counties south of the forty-sixth parallel, more so than any similar contest Dakota had yet experienced, and resulted in numerous contesting delegations to the Territorial Republican Convention, which was held at Grand Forks, from quite a number of important counties, Lawrence County, with the largest county delegation, being one of the number. The territorial convention was something of a novelty in Dakota, and its proceedings might appropriately be quoted to affirm the saying that "everything is fair in politics." The northern convention manipulators were about to give an exhibition of the modern methods of "running a convention" in such a skillful manner as to nominate their minority candidate.

The territorial central committee, anxious to placate the sectional feeling which pervaded the people of the northern portion of the territory, had called the convention in that portion of the territory, influenced also by a belief that the convention at that point would be less liable to be influenced in favor of any candidate. It would be where it would be immune from prejudice for or against any of the aspirants, and was therefore an ideal point under the circumstances that then existed. It was the second territorial political convention to be held in the northern part of the territory, and was called to nominate a republican candidate for delegate to Congress. Hon. Richard F. Pettigrew, of Sioux Falls, was the incumbent of that office, and was a candidate for renomination. Hon. George H. Hand, of Yankton, secretary of the territory, was also a candidate and was strongly supported in the southern counties and was favorably regarded in the north, though it was generally understood that the northern counties, with two or three exceptions, had concluded to present a candidate from that section in the person of Hon. John B. Raymond, then United States marshal, who resided at Fargo. The supporters of Mr. Hand and Mr. Raymond had manifested the strongest regard for one another during the preliminary campaign; in fact, had worked together in some of the counties, and on the eve of the convening of the nominating convention it was apparent that the union of the supporters of these two gentlemen was all that was required to control the convention and nominate a candidate.

Mr. Hand's name had been mentioned quite favorably in connection with the delegateship for some years. He had been secretary of the territory for nearly eight years, and had resided in the territory since 1865. He had been for many months acting governor, and had formed an extensive acquaintance,

among whom he was highly regarded. Captain Raymond was also a general favorite, and while his avowed supporters were in his residence section of the territory and in the Black Hills, he had a numerous following in the southern counties, and had been supported for the nomination in the convention that nominated Mr. Pettigrew two years before.

It could not be claimed that Mr. Pettigrew had been unfaithful as the delegate, or had lost his popularity. It was not his popularity that gave him the nomination at Vermillion, but strenuous effort, ably guided, and his predecessor's apparent weakness in his home county. It would seem nearer the fact to say that Pettigrew had gained in popular esteem. He had been a very diligent official and had presumably accomplished all that any delegate could have accomplished for the interests of the territory, hindered as he had been by the interference of Governor Ordway, whose hostility seemed of such a nature that he would prefer the defeat of a worthy measure if presented by Pettigrew in order to weaken his standing at home.

In July, 1882, the Grand Forks Herald discovered that the omens were favorable to a northern candidate owing to the personal enmities that were being engendered in the southern half of the territory between the Pettigrew and Hand factions, and with some show of exultation predicted the nomination of John B. Raymond, of Fargo, as the candidate who would be nominated for delegate.

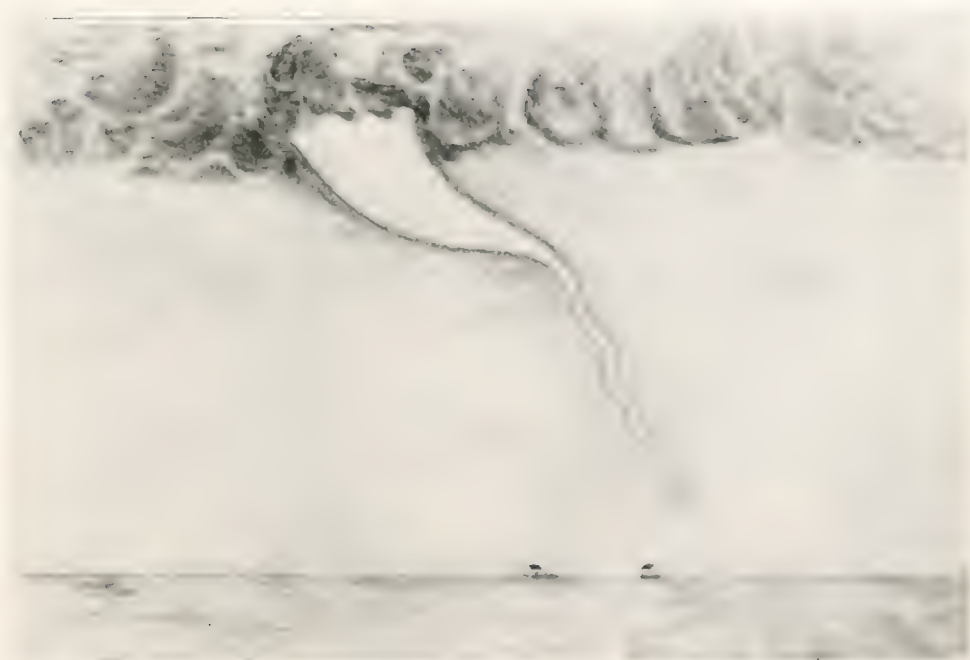
Mr. Raymond's candidacy had not been authoritatively announced at any time until the territorial convention had gathered, and then it was understood by many that he would not enter the field unless it became necessary in order to defeat Pettigrew; but still there were substantial indications, which were confirmed by the proceedings of the convention, that the plan of the Northern Dakota delegates, or the Cass County contingent, was to nominate Raymond regardless of the methods that might be necessary to accomplish it. Mr. Hand's supporters were all, personally, friendly to Raymond, and so far as any expression was had from them they intended to support him whenever it appeared that Mr. Hand could not be nominated.

The leading issue with the people was the division of the territory into a north and south territory, and Pettigrew had displayed excellent judgment in his efforts to secure it. Former delegates had tried and failed, not from any dereliction of duty, but from the stubborn hostility of Congress to grant the favor. There was also an irreconcilable element that felt that Judge Bennett had been wrongfully deprived of a renomination two years before. But Pettigrew's strongest opposition arose from the character of the candidates who opposed him, and their friends had discovered that the time was propitious for pressing their claims. Mr. Hand's supporters disclosed surprising strength in the counties south of the forty-sixth parallel, which was the line upon which it was proposed to divide the territory; and Mr. Raymond's friends, without much effort, secured the north. The Black Hills counties were a third division where each of the candidates had supporters; but Pettigrew and Raymond divided the field between them. In Lawrence County the preliminary campaign was so warmly contested that it resulted in two county conventions and two delegations—one for Pettigrew and one for Raymond.

As the county conventions were held in the southern section of the territory, it developed that the contest was between Pettigrew and Hand; and in a large number of counties this contest was so spirited that the conventions were broken up and separate conventions held, resulting in the election of two sets of delegates to the territorial convention.

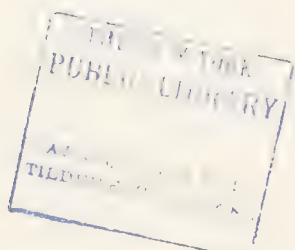
#### THE TERRITORIAL CONVENTION

The territorial convention, under the call, provided for 343 delegates. As the various county conventions were held and the delegates elected it was ascertained some time before the assembling of the convention that Mr. Pettigrew



VIEW OF A CYCLONE IN BEADLE COUNTY IN 1884





had secured uncontested delegations from the counties of Minnehaha, 19; Brule, 3; Charles Mix, 2; Codrington, 7; Clark, 2; Douglas, 1; Hughes, 3; McCook, 5. Total, 42.

Mr. Hand had secured uncontested delegations from Yankton, 12; Brown, 6; Brookings, 12; Clay, 7; Davidson, 6; Day, 2; Hanson, 6; Hamlin, 3; Hand, 4; Hutchinson, 6; Kingsbury, 7; Lake, 6; Miner, 4; Spink, 5; Turner, 10. Total, 96. Union and Lincoln were for Alexander Hughes, but declared for Hand at Grand Forks, giving him 116 uncontested votes.

The counties presumed to be supporting Mr. Raymond, or a Northern Dakota candidate, were: Cass, 15; Barnes, 6; Custer, 4; Grand Forks, 15; Griggs, 2; Kidder, 2; Mandan, 1; Morton, 6; Pennington, 6; Ransom, 3; Richland, 10; Stutsman, 6; Traill, 12; Walsh, 8. Total, 95. Burleigh, 10, supported McLean, and Pembina, 12, supported LaMoure or Nelson. These two counties were hostile to Raymond because he was a Fargo man.

"Double-headers," as they were called, or two sets of delegates, had been selected from the counties of Lincoln, 11; Bon Homme, 6; Beadle, 6; Moody, 7; Deuel, 5; Grant, 8; Beadle, 5; Lawrence, 30. Total, 81.

The following list of delegates, elected by the several counties, claimed seats in the convention: Aurora County, A. M. Andrews, J. D. Miracle, B. H. Sullivan; Bon Homme County, T. O. Bogert, A. J. Mills, John Williams, S. W. Wilcox, John McNeal, D. L. Burgess, Solomon Wenzlaff, T. M. Hitt, J. O. Sinnett, Daniel Wilcox; second delegation, C. T. McCoy, Asa Covell, F. A. Morgan, George W. Snow, John L. Turner, Frank Alexander, George Helzinger, Peter Wagner, Joseph Stone; Barnes County, B. W. Benson, F. H. Remington, F. H. Devaux, Seth Mills, J. E. Hubbell, H. O. Steel, W. F. Jones, J. Cole; Beadle County, John H. Alexander, T. J. Mishel, H. F. Snediger, N. D. Percival, J. W. Shannon, John Cain, E. F. Bird; Brown County, A. F. Rowley, John H. Drake, W. A. Morrill, J. D. Reeves; Burleigh County, John A. McLean, George P. Flannery, John A. Stoyell, D. N. Griffin, C. A. Lounsberry, E. S. Noel, Frank P. Brown, John Sutherland, E. A. Williams, George Fairchild; Brookings County, George W. Hopp, John O'B. Scobey, William Skinner, B. E. Pay, George A. Matthews; Brule County, John H. King, E. C. Cook, F. M. Goodykoontz; Campbell County, Abe Alexander; Clay County, J. L. Jolley, J. C. Bower, Hance Myron, Knute Yerks, Silas B. Palmer, B. S. Payne, H. B. Finley, William Shriner; Clark County, Fred. Weare, Zack. Anderson; Cass County, S. G. Roberts, E. A. Maglone, W. C. Plummer, C. B. Haynes, E. J. Hall, S. W. Horn, A. W. Edwards, J. Schwachenbadi, J. E. Bartlett, Captain Weisenberg, L. K. Hassell, W. F. Ball, Judge James S. Stack, George Brandenburg, William A. Kindred, E. V. McKnight, Hans Larson, W. B. Lodklin, Alexander McHenry, Ira W. Fisher, V. Landquist, George H. Ellsbury, Newton K. Hubbard, George G. Beardsley, John E. Haggart; Charles Mix County, Joe Ellis, Foster T. Wheeler; Codrington County, William McIntyre, R. E. Spicer, D. C. Thomas, H. B. Wheelock, Dr. J. Bennett, A. D. Chase, L. S. Deming, O. Gesley; Custer County, George C. Boland, Patrick McHugh, A. D. Clark, H. C. McMakin; Davidson County, William Letcher, S. F. Goodykoontz, A. E. Hitchcock, A. W. Wheelock, H. F. Sweet; Douglas County, C. E. Huston, I. H. Welch, F. LeCocq; Dickey County, Wesley Moran, W. H. Seward; Day County, W. R. Ruggles, D. Williams, J. K. Dyant, John Norton; Grand Forks County, George H. Walsh, A. C. Hurst, T. D. Hughes, L. P. Goodhue, Richard Forrest, W. G. Williams, H. Loiland, D. C. Alton, W. G. Woodruff, John Fadden, Sr., M. W. Scott, M. W. Sullivan, J. H. Bosard, George Winship, Paul C. Johnson, A. W. Dunn; Grant County, J. L. Lockhart, M. Neill, A. H. Lewis, George W. Hawes or Haupt; Hamlin County, John C. Sharp, John J. McGuire, H. P. Horswill; Hanson County, James Baynes, A. J. Parshall, H. E. Buell, L. C. Taylor; Hughes County, George L. Ordway, J. C. Macnamima, D. L. Locke; Hutchinson County, A. Sheridan Jones, John Maxwell, S. Eisenmann, W. B. White; Kidder County, W. F. Steele; Kingsbury County, Jacob Hopp, A. V. Barnes, A. M. Whiting;

Lake County, R. R. Wentworth, H. H. Tuttle, F. G. Ball, L. H. McCagar, John A. Johnson, H. J. Patterson, George W. Wright, J. F. Stahl; Lawrence County, R. F. Grimshaw, W. M. Pratt, Kirk Phillips, Sol Star, H. Carpenter, G. T. Browning, B. F. Walters, L. F. Babcock, C. H. Enios, A. R. Z. Dawson, Joseph S. Sparks, Henry Rosenkrantz, J. F. Drennan, H. A. Alden, T. D. Edwards, C. V. Gardner, J. M. Lowtham, Jay J. Hall, John Herrmann, J. H. Dix, W. P. Tyler, Robert Freschel, N. Colman, James Carney, W. H. Parker, J. Conzette, A. A. Raymond, L. W. Valentine, W. M. Blood, A. E. Frank, D. Corsoni, S. McMaster, J. D. Moody, D. E. Sparks, H. M. Gregg, J. A. Harding, A. J. Plowman, W. W. Giddings, J. C. Wilcox, Porter Warner; Lincoln County, N. C. Nash, G. W. Harlan, W. F. Dunham, A. Peters, E. A. Wilson, A. Sherman, I. N. Menor, Henry Conklin, C. T. Brandhogen, D. S. Ginter; LaMoure County, Waldo Potter; Morton County, Frank J. Mead, John Fogerty, E. F. Moran, W. A. Carr, J. Simmons, E. Boley, Walter Draper (proxy for John Simons), F. H. Ertel (proxy for John Fogerty), George Bingelheimer (proxy for E. Doran); Moody County, J. H. Eno, H. M. Williamson, W. Phillips, John Reprehend, Roger Brennan, David Shields, John Huntington; Minnehaha County, Albion Thorne, A. C. Folsom, J. R. Bjorjas, John Minot, B. F. Campbell, Thomas H. Brown, C. H. Vincent, E. W. Caldwell, A. W. Flagg, J. R. Jackson, J. R. Riddell, T. S. Free, S. Wolkison, O. H. Smith, John O. Langness, J. B. Young, Jacob Schaezel, Jr., Cyrus Waltz, C. H. Winsor, E. Parlman; Miner County, F. C. Stowe; Moody County, H. M. Williams; McCook County, J. F. Rutan, E. H. Wilson, F. Goddard; Pembina County, N. E. Nelson, Judson LaMoure, W. R. Goodfellow, R. H. Young, P. A. Gatchell; Ransom County, D. T. Ellsworth, W. F. Bascom; Pennington County, A. C. Boland, A. J. Simmons, A. L. Overpeck, William Haxby, G. N. Cole, F. J. Cross; Richland County, E. W. Morrill, J. C. Blanding, M. T. Rich, W. E. Root; Spink County, J. M. Miles, J. W. Packard, E. Eisenhuth; Stutsman County, E. P. Wells, R. E. Wallace, J. C. Nickeus, W. E. Dodge, Marshall McClure, Will Burke, George Beardslee, Alfred Dickey; Traill County, E. D. Barker, Iver Larson; Turner County, David Conway, James A. Hand, Emil Brauch, C. H. Turrilligus, H. Pool, Joel Fry, Jonathan Trumbull, F. H. Farr, C. H. Flowers, A. B. Smith; Union County, E. C. Ericson, W. T. Vinson, J. E. Cittel, C. H. Freeman, Duncan Ross, A. O. Ringsrud, John Coverdale, H. J. Brace; Walsh County, E. O. Felkner, W. A. Cleland, Nathan Upham, F. M. Winship, Cal Hendrickson, P. W. Wildt, Donald Stewart, A. Aspass; Yankton County, W. H. McVay, E. E. Hudson, J. R. Hanson, G. W. Kingsbury, Myron Blodgett, S. W. Howe, J. B. Wynn, H. Ellermann, Haldo Sater, Alexander Hughes, B. S. Williams, A. W. Lavender, Jacob Brauch, S. B. McGlumphy, M. A. Baker.

The convention was called to order by Chairman Walsh, of Grand Forks County, whereupon Col. H. F. Ball, of Cass County, was elected temporary chairman, and A. W. Edwards, of the same county, temporary secretary. The chairman explained the situation regarding the contested delegations and the impropriety of admitting either party of the contestants to take part in the preliminary proceedings; and also stated to the convention the agreement that had been made to refer the disputes to a credentials committee composed of five North Dakota delegates, to be appointed by the chair, together with two uncontested Pettigrew delegates and two uncontested Hand delegates from the southern counties; these southern members of the committee to be selected by the uncontested Hand and Pettigrew delegations, making a committee of nine, with the northern part of the territory holding the balance of power.

The chair then appointed as the Credentials Committee: From North Dakota, W. E. Dodge of Stutsman County, N. Upham of Walsh County, F. D. Hughes of Grand Forks County; R. H. Young of Pembina County, and F. H. Remington of Barnes County; for Mr. Pettigrew, C. H. Winsor of Minnehaha and F. A. Goodykoontz of Brule; for Mr. Hand, Alexander Hughes of Union County and John A. Owen of Kingsbury.

This committee began its sessions the same day (Wednesday) and occupied all of Thursday, holding nearly all-night sessions, and Thursday night it became known through friendly committeemen that the Credentials Committee had completed its investigation and that the report would favor the admission of a majority of the Hand delegates from the contested counties east of the Missouri River and the Raymond delegates from Lawrence County—the Parker Dawson delegation instead of the McMasters delegation.

These night reports must have been received as authentic and convinced the friends of Mr. Pettigrew he could not be renominated. As it was morally certain, with the northern counties standing by their agreement, to sustain the report of their own committee, it practically insured the nomination of Mr. Hand.

Mr. Hand's defeat and the defeat of the report of the majority of the committee were points in the political game much desired by the friends of the Sioux Falls candidate because of their influence upon home sentiment, and in order to accomplish this a bargain was effected between a large majority of the northern delegates to the convention and the delegates favorable to Mr. Pettigrew, during Thursday night and Friday morning, under which the committee's report was to be practically ignored by the convention, and a minority report submitted by Mr. Winsor, of Sioux Falls, adopted. (This minority report recommended the admission of the Pettigrew delegates from Lincoln, Bon Homme, Moody, Deuel, Grant, Beadle and Aurora counties.) The agreement further stipulated that Mr. Raymond, of North Dakota, was to be nominated, Mr. Pettigrew presenting his name to the convention, and Pettigrew and his friends to have the privilege of naming the members of the Territorial Central Committee from the southern counties.

This program was carried out when the convention met the following day. The first business, however, was the report of the Committee on Permanent Organization, composed of A. R. Z. Dawson of Lawrence County, S. G. Roberts of Cass County, W. F. Steele of Kidder County, E. W. Caldwell of Minnehaha, and A. C. Horst of Grand Forks. This committee recommended the election of George H. Walsh, of Grand Forks, for permanent chairman, and J. F. Stahl, of Lake County, secretary. The report was adopted.

The convention assembled at 9 A. M. on Thursday to receive the report of the Committee on Credentials, but adjourned again until 2 P. M., as the committee required further time. Reconvening in the afternoon, the report of the Committee on Credentials was presented and read.

The majority report, signed by the five North Dakota members, and by Hughes and Owens, recommended the admission of the Raymond delegation from the Black Hills, Lawrence County, and the Hand delegations from the contested counties of Brookings, Grant, Lincoln and Bon Homme, the Pettigrew delegations from Aurora, Lake and Hughes, and that both delegations from Moody, Deuel and Beadle be admitted with half a vote each. This report was signed by the five northern members, Messrs. Dodge, Upham, Hughes of Grand Forks, Young of Pembina, and Remington; also by Alexander Hughes and John A. Owen.

C. H. Winsor, of the committee, then read a minority report proposing to give the Pettigrew delegations the counties of Bon Homme, Beadle, Deuel, Lincoln, Aurora, Grant and Moody. This report was signed by Winsor and Goodykoontz.

The uncontested counties were Barnes, Burleigh, Brown, Butte, Cass, Clay, Custer, Charles Mix, Davison, Day, Griggs, Hanson, Hamlin, Hutchinson, Kidder, Kingsbury, LaMoore, Miner, McCook, Minnehaha, Mandan, Morton, Pennington, Pembina, Ransom, Stutsman, Spink, Traill, Turner, Walsh, Yankton, Union and Dickey.

The contested counties were Aurora, Bon Homme, Beadle, Brookings, Douglas, Deuel, Lake, Lawrence, Lincoln, Moody and Grant.



That portion of the majority report relative to uncontested delegations was, upon motion, adopted.

Roberts, of Cass County, moved that both reports be accepted and presented to the convention; then each contested county be presented, and arguments, limited to five minutes, be heard on each side. The motion was carried.

The Lawrence County contest was an affair separate and apart from the differences which divided the Hand and Pettigrew forces. The discussion before the convention was carried on by such forcible speakers as Colonel Moody, Colonel Parker, Gen. A. J. Plowman and Gen. A. R. Z. Dawson. The Raymond delegation was admitted.

A long discussion followed regarding the various county contests, which was terminated by the chair declaring that all counties were entitled to vote except Aurora, Bon Homme, Beadle, Brookings, Deuel, Douglas, Hughes, Hand, Lake, Lawrence, Lincoln and Moody.

A motion was then made to accept the minority report from Bon Homme County. Another motion to lay the minority report on the table was voted down. This was the first Pettigrew victory. The question recurred upon the original motion to adopt the minority report and admit the Pettigrew delegation, which was adopted, the North Dakota delegates on the Credentials Committee who had signed the majority report voting for it with the exception of Mr. Young, of Pembina, who refused to sanction the deal.

The minority reports favoring the Pettigrew delegations on all the remaining contested cases, except Grant County, were then adopted. When the compact between Northern Dakota delegations, save those of Burleigh and Pembina, was disclosed, Capt. Alexander Hughes, for the Hand forces, arose and said that he had been requested on behalf of the Hand delegations to say that they bow to the combination.

This part of the proceedings being concluded, Mr. Pettigrew stepped forward in front of the delegates, and addressing the convention, withdrew his candidacy and placed in nomination Capt. John B. Raymond. It was then moved to nominate Raymond by acclamation, but an amendment to vote by counties was carried. Two hundred and twenty-seven votes were cast, all but ten of which were for Raymond. Brown, Brookings, Clay, Douglas, Grant, Hamlin, Hutchinson, Kingsbury, Miner, Pembina, Davison, Day, Turner, Union and Yankton counties declined to vote.

Burleigh and Pembina counties had refused to sanction the trade, and their votes were cast: Burleigh for McLean, and Pembina for Nelson or LaMoore. Mr. Hand's friends and delegates declined to participate in the proceedings and his name was not presented. Mr. Raymond was nominated by the vote of all the counties that voted except the two northern counties above noted.

The report of the Committee on Resolutions was presumably submitted to the convention at the evening session, and adopted; but the substance of its declarations, and not the text of the document, was given out, due probably to the haste which characterized the closing moments of the proceedings. However, it very appropriately resolved that the course of Delegate Pettigrew during his official term met with the approval of the people of the territory; that he had been untiring in his efforts to promote the important measures before Congress which were considered of first importance to the people, including the division of the territory, the improvement of the Missouri and Red rivers in the interest of navigation, and in promoting a treaty with the Sioux for opening a large portion of their reservation.

The resolutions also declared for a division of the territory on the forty-sixth parallel, and pledged the nominee of the convention to work for the success of such division uncompromisingly. Another resolution gave the unqualified assurance to the people of the territory that the nominee, Captain Raymond, was a man of superior intelligence, wide acquaintance with America's public men, a man of sterling integrity, and thoroughly in sympathy with the efforts being

made to develop the natural resources of the territory; and that the national Government should by liberal legislation encourage its people by every legitimate means in their resolute endeavors to reclaim the fertile but unsettled domain of the great West.

The other resolutions had to do with the hospitality of the people of Grand Forks, and an acknowledgment of the generosity of the railways in transporting the delegates, and a vote of thanks to the president of the convention for the able and impartial manner in which he had discharged the duties of his position. These latter resolutions may not have been intended as a part of the platform, but in the pressure of business and haste to get away they were all included on the page devoted to the platform.

The Raymond forces did not need the contested county vote to nominate their man, but with the help of the Pettigrew uncontested reinforcement could have controlled the convention. And the first agreement between the conspirators was to leave out the contested counties or admit both sides; Pettigrew to be given the honor of personally nominating Raymond, and also have the privilege of naming the members of the central committee from the counties south of the forty sixth parallel. Finding their allies of Cass and Stutsman counties willing to even further abase themselves if they could be assured of Raymond, the stalwart Pettigrew lieutenants, who were members of many of the proposed rejected delegations, amended their original claim and demanded that their delegations should be legitimatized and whitewashed by their admission to the convention on an equal footing with their fellow conspirators, and this was acceded to by the disciplined forces under Edwards, Haggart, Ball and Nickens.

The Territorial Central Committee selected was composed of E. P. Wells, chairman, Stutsman County; H. M. Gregg, Stutsman; A. J. Plowman, Lawrence; A. J. Boland, Pennington; C. T. McCoy, Bon Homme; F. A. Goodykoontz, Brule; E. W. Caldwell, Minnehaha; George W. Hawes, Grant; William Skinner, Brookings; W. M. Cuppett, Lincoln; John Fadden, Grand Forks; Iver Larson, Traill; H. F. Miller, Cass; B. H. Benson, Barnes; W. F. Steele, Kidder.

The methods by which the nomination had been obtained, and not the nominee, were severely criticised throughout the territory. Mr. Raymond's personal acquaintance with the people and the regard in which he was held quieted any disposition to revolt, and he was accepted by the republicans in every section of the territory, and also well supported, and elected by an unprecedented majority. It proved, however, a barren victory for Northern Dakota, and not a happy event in the career of Mr. Raymond, as will appear from the territorial convention held at Pierre two years later, and other events following. It was subsequently asserted that the removal of the capitol, which took place the following winter, was connected with this deal, but we find nothing to support this charge. On the contrary, it is found that Mr. Pettigrew strenuously opposed the removal, and Mr. Raymond gave mortal offense to Ordway and McKenzie because he refused to introduce a bill in Congress validating the capital removal proceedings. Still there is little doubt but that the capital removal was suggested by these proceedings. If the northern wire-pullers could by their wits control a convention, two-thirds of whose members were from the south, why should they hesitate to tackle the Legislature and secure the capital as well as the delegate? A half year later this was accomplished by much the same methods as those pursued by the ring-leaders of Cass and Stutsman counties in this convention.

Neither Bennett's or Pettigrew's failure to be renominated by their party representatives was due to any delinquency on their part in their capacity of delegate to Congress, for both were diligent in their duties and fairly successful, especially when it is considered that the former was not in sympathy politically with the democratic House, and the latter had, in addition, the interference of the governor in his duties. But the difficulties they encountered in seeking a renomination were inherent in the factionalism that prevailed in the republican party of the territory. The party was much divided when their nominations

were made, and though in obedience to party discipline the nominees were supported by the full strength of the party, except in the case of Judge Bennett; after the election had passed the adherents of each faction to a great extent fell apart and remained apart, and were enabled, in each case, to defeat their former antagonist for renomination. That is about all that can be said in explanation of the territory's failure to keep these experienced leaders longer than one term.

These frequent changes did not indicate dissatisfaction in the minds of the people, but emphasized the restless ambition of leaders, and sectional rivalries and differences. There can very little, if anything, be said derogatory to the efficiency of any of Dakota's numerous delegates. They accomplished all that could be accomplished, and nothing failed for lack of attention. The delegates were also, as a rule, capable representatives, and were so regarded by the members of both House and Senate.

#### DEMOCRATIC TERRITORIAL CONVENTION

The Democratic Territorial Convention of 1882 met at Mitchell on Wednesday, September 27th, and was called to order by Hon. D. M. Inman, of Vermillion, chairman of the Territorial Committee. C. H. Wynn, of Sioux Falls, was elected temporary chairman, who made a fine address in response to the compliment which had been paid him, and on motion appointed the following committees:

On Credentials—J. Brinkerhoff, chairman, Bon Homme County; D. P. Wilcox, Lawrence County; Dennis Hannafin, Burleigh County; J. V. Conklin, Lincoln County; A. P. Allen, Moody County; D. R. Demean, Brule County; A. A. Partridge, Clay County.

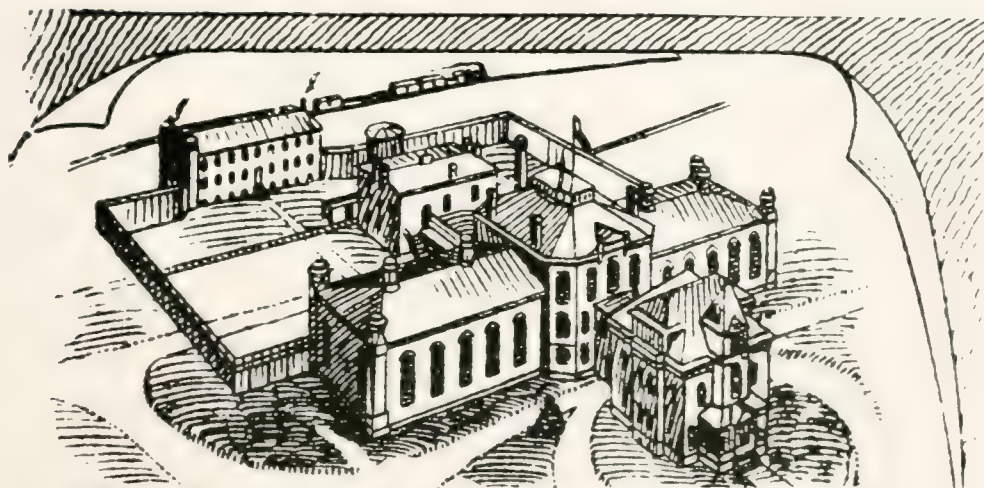
On Resolutions—Maris Taylor, Yankton; F. M. Ziebach, Bon Homme; T. S. Goddard, Minnehaha; J. S. Foster, Davison; John R. Whiteside, Clay; Frank Foster, Hanson; Ben C. Ash, Hughes; C. E. Brooks, Yankton.

On Permanent Organization—M. H. Day, Bon Homme; William VanEps, Minnehaha; J. Geehon, Lincoln; C. J. B. Harris, Yankton; William Leeper, Hughes; John R. Wood, Union.

After a brief absence the Credentials Committee submitted the following report, which was adopted:

Your committee found the delegates entitled to seats in this convention from the several counties are as follows: Bon Homme County, J. Brinkerhoff, F. M. Zeibach, Charles W. McCullom, S. Simpson, Wesley Janda, Frank Richmond, James Keegan (proxy to George Hefner), M. H. Day, C. S. Rowe; Barnes, Beadle and Brown counties were not represented; Brule County, S. W. Duncan, Louis Richards (proxy to L. W. Lewis), E. Greene (proxy to S. W. Duncan); Charles Mix and Cass counties not represented; Clay County, John R. Whiteside, A. A. Partridge, Franklin Taylor, John Babb, Jonathan Kimball, James Devine, G. Schott, D. M. Inman; Codington County, James Monahan, Lewis Hottinger, George W. Carpenter, R. F. Wagner (proxy to M. W. Sheafe); Douglas County, William Brown, E. W. Miller; Davison County, James S. Foster, H. C. Greene, H. C. Hamilton, J. Sullivan, Dr. F. Andrews, H. H. Pitwood; Hughes County, Ben C. Ash, J. C. Houts, E. B. Palmer, William Leeper; Hanson County, F. B. Foster, P. H. McDonald, Doctor Tremait, H. H. Smith, Captain Gray; Hutchinson, Hand and Kingsbury not represented; Lawrence County, Judge J. M. McLaughlin, D. Wilcox (proxy for twenty-seven delegates); Lincoln County, Abe Boynton, F. A. Gale, J. V. Conklin, Jerry Geehon, William Lutzenheysen, J. Horn, G. W. Hinkley, J. N. Mensel; Lake County, John Brennan, W. C. Roreman, F. Lannier, Thomas Keegan, R. R. Pierce; McCook County, Matthew White, Thomas Diefendorf, E. P. Amy; Minnehaha County, William VanEps, E. G. Wright, E. B. Durham, T. S. Goddard, C. H. Wynn, D. M. Glidden; Mandan not represented; Moody County, A. P. Allen, William Jones, Andrew Colliston, John Sweeney; Miner County, Frank Cunningham, A. D. Foster, H.

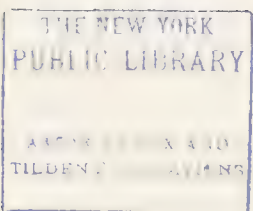




# PENITENTIARY, SIOUX FALLS.

AS IT APPEARED IN 1882





McKean, James Curtis; Morton County not represented; Pennington County, P. B. McCarthy; Pembina County, John Richards; Ransom and Richland counties not represented; Stutsman County, D. M. Kelliher; Spink and Traill counties not represented; Turner County, J. W. Turner, C. D. Cone, A. Batleson, R. Ruer, M. S. Robinson, Harvey Newby, Daniel Dwyer, Sr.; Union County, John R. Wood, E. Clifford, P. Merrigan, Alexander Keevil, Thomas Rouen, George Stickney, Jr., B. A. Mahone, Joseph Yerter, G. W. Havens, A. McConville; Yankton County, J. B. VanVelsor, John McCabe, L. M. Kee, Maris Taylor, C. J. B. Harris, Chris Hameister, J. J. Duffack, C. J. Thompson, Conrad Lange, F. R. Lerch, C. E. Brooks, John Noonan.

The Committee on Permanent Organization reported, recommending Judge W. M. McLaughlin, of Lawrence County, for permanent chairman; J. W. Turner, of Turner County, and T. S. Goddard, of Minnehaha County, vice presidents; Maris Taylor and M. W. Sheafe, Jr., secretaries.

The report was adopted, and the permanent officers were escorted to their places.

The Committee on Resolutions made the following report:

Resolved, That we view with alarm the growing evil of influencing and controlling public elections by the use of money, to corrupt and intimidate voters; that this pernicious practice is fostered by the republican party by its levies of head-money for base uses, to tempt the voter for gain, to barter his suffrage, or awe him into inaction by reason of its power; that our institutions can remain permanently free so long only as the voters are free to discharge their civic duties according to their best judgment.

Resolved, That we are in favor of the division of Dakota on the 46th parallel, and of retaining the present name of Dakota for the southern half.

Resolved, That we believe in home, and are opposed to the system of foreign appointments to federal positions within this territory.

Resolved, That we deprecate the dishonesty and corrupt practices in many counties in Southern Dakota under republican control, and pledge the democratic party to the support of men for all public positions who possess the Jeffersonian qualifications of honesty and capability.

Resolved, That we favor a strict and stringent license law for the regulation of the liquor traffic, and oppose all sumptuary and prohibition laws.

After discussion, the second resolution, relating to the division of the territory, was stricken out and the remainder adopted.

Nominations for a candidate for delegate in Congress being in order, the following named persons were presented by the delegations from their respective counties as candidates:

William R. Steele of Lawrence County, William VanEps of Minnehaha, F. M. Ziebach of Bon Homme, Alexander McKenzie of Burleigh, James S. Foster of Davison, D. M. Inman of Clay, E. W. Miller of Union, and a ballot being taken, resulted: Ziebach, 37; Steele, 57; Inman, 20; McKenzie, 15; Foster, 6; VanEps, 5; Miller, 10; Brooks, 2; McLaughlin, 2. After a number of changes in the vote and the withdrawal of a number of candidates, Mr. Steele was found to have a large majority, and was declared by the chair to be the nominee of the convention for delegate.

D. M. Inman was then elected chairman of the Territorial Central Committee, which was made up of three members from each judicial district, as follows: First District, D. P. Wilcox, R. P. Cormack, Judge Rhinehart; Second District, C. J. B. Harris, M. H. Day, James S. Foster; Third District, M. McCormack, John P. Dunn, D. M. Kelliher; Fourth District, Abe Boynton, John R. Wood, T. S. Goddard.

On motion, the action of the convention in striking out the second resolution in the platform relating to division was reconsidered, and the plank was then reinserted by a vote of 115 to 36. Wilcox, of Lawrence, championed the reconsideration. The convention then adjourned.

Shortly after the adjournment of the convention the chairman of the central committee received from Mr. Steele a telegraphic dispatch positively declining to accept the nomination.

Mr. Steele had been a resident of Cheyenne, Wyo., for a number of years, and was elected delegate to Congress from that territory for two successive terms, and had removed to South Dakota two or three years prior to this convention. He was an able young man, a lawyer, and was highly regarded as a citizen by the people of the territory generally. His selection was regarded as very creditable to the democratic party of Dakota. It was therefore a serious disappointment to receive from him a positive declination to accept the nomination on account of pressing business engagements; but he would do whatever he could to assist whomsoever the convention might agree upon.

The central committee met with considerable difficulty in finding a suitable person who was willing to accept the candidacy. Finally, at a meeting held at Elk Point, they agreed upon Judge W. W. Brookings, who had recently severed his connection with the republican party, of which he had long been a leader, and he consented to become the democratic standard bearer. Considerable comment was occasioned by this turn of affairs, as it was not generally known that Mr. Brookings had left the republican organization; and he was unquestionably influenced in accepting the democratic candidacy by a mistaken conception of the sentiment of the people growing out of the action of the republican convention at Grand Forks. The methods pursued by that convention in making their nomination were generally condemned, but the candidate selected was satisfactory to the republicans and was supported by a united party. Mr. Brookings doubtless felt that he would be able to draw heavily from the disgruntled republican element, but instead of receiving aid from that quarter the democrats fell away from his support by thousands.

The election was held on Tuesday, November 7th. The official vote in Dakota by counties, as canvassed, was as follows:

## OFFICIAL VOTE

Name of County	For Raymond	For Brookings	Name of County	For Raymond	For Brookings
Aurora .....	427	91	Hanson .....	304	114
Barnes .....	1,141	100	Hughes .....	208	85
Beadle .....	647	24	Hutchinson .....	558	110
Bon Homme .....	747	362	Kidder .....	250	100
Brookings .....	1,135	178	Kingsbury .....	737	18
Brown .....	881	202	Lake .....	903	133
Brule .....	423	136	Lawrence .....	2,608	1,276
Burleigh .....	593	497	Lincoln .....	1,034	194
Cass .....	2,164	36	LaMoure .....	91	15
Charles Mix .....	175	17	Morton .....	341	240
Clark .....	301	...	McCook .....	541	334
Clay .....	751	172	Miner .....	1,123	36
Codington .....	592	191	Minnehaha .....	1,605	705
Custer .....	221	137	Moody .....	717	231
Davison .....	679	112	Pembina .....	1,136	79
Day .....	242	38	Pennington .....	459	365
Deuel .....	445	12	Ransom .....	637	2
Dickey .....	228	...	Richland .....	789	3
Douglas .....	197	46	Spink .....	905	36
Foster (no election)			Stutsman .....	747	244
Grand Forks .....	1,626	117	Traill .....	1,688	...
Grant .....	1,183	98	Turner .....	1,088	188
Griggs .....	830	...	Union .....	726	450
Hamlin .....	310	...	Walsh .....	2,158	133
Hand .....	643	...	Yankton .....	740	528
Total vote, 38,389; Raymond, 30,195; Brookings, 8,194.					

Mr. Raymond received the certificate of election, and entered upon his duties March 4, 1883.

## NO. I HARD GAVE NAMES TO OUR STATES

There was considerable interest taken in the name of the new territory to be erected out of the northern part of Dakota Territory. The memorials of the

Legislature for many years, while they urgently plead for a new territorial organization, had not mentioned the name of Dakota or North Dakota as the name of the new political organization, but Pembina had been the favorite name with the North Dakota representatives, and occasionally Chippewa and Ojibway. Pembina seemed to be the title that all united upon until the great farms of Dalrymple and others were opened, when the Northern Pacific people and other influences conceived the idea that "North Dakota No. 1, hard," would be a commercial asset if retained in part as the name of the new territory.

Dakota wheat had been celebrated for its excellence from the earliest settlements in the southern part of the territory, and there were seasons when thirty bushels to the acre was about the average, while exceptional cases were cited as high as fifty bushels to the acre. But there were no colossal farms and no way in which they could be readily procured until the Government made its magnificent land grant to the Northern Pacific Company. Then a 30,000-acre tract could be obtained, and capitalists could make money and also a national fame for their holdings by planting 5,000-acre wheat fields and harvesting from 125,000 to 150,000 bushels of wheat of the best quality. A crop of such magnitude from a single farm created a sensation throughout the country. Presidents became interested, and were pleased to pay the homage of their distinguished presence to the bonanza farmers of "Northern Dakota." Congressmen, scores in number, took advantage of the very moderate transportation rates that were offered at that time to our distinguished men, came out and gazed with wondering admiration on Dakota's waving grain fields. Railroad presidents, our territorial governors, military chiefs, cabinet ministers, eminent judges and a host of minor lights followed, and saw with real or well-feigned enthusiasm the marvelous steam plows cutting through the sod and turning over the fertile earth; beheld the long ranks of mowers and reapers at work in the field, and through clouds of dusty mist, saw the giant threshers at work. It was an exhilarating experience to many, and when these returned to their constituents they related what they had seen, and naturally enough awakened a desire in the breasts of thousands of humble husbandmen in the eastern states to remove to the grand Dakota land and share in the prosperity and popularity its people enjoyed.

Our statistics show that the average production of wheat to the acre has been about the same throughout the territory, from south to north, and the quality was quite uniform under like conditions of planting, weather and harvesting. But corn and live stock growing had been discovered to be most profitable to the farmers of the southernmost section, and they to some extent abandoned the less remunerative cultivation of wheat. However, an examination of the statistics of the various counties in the territory show that wheat has uniformly formed a large item in the annual produce of every county. Many good progressive and prosperous farmers insist that a wheat patch is essential to a fair distribution of the land cropped, and benefits the land for the succeeding crop of some other variety of grain or grass. It is a fact that before Dakota had a mile of railroad within its borders to furnish cheap transportation for its surplus produce to market, the wheat grown in the limited settlements of the southern portion was eagerly sought after by millmen of rural Nebraska and Iowa because of the excellent quality of the flour it produced. Thus the name "Dakota" was a valuable trade mark, its reputation was well sustained as settlements increased and production grew into the many millions of bushels, and the timely and gratifying successes of the wheat growers in the northern sections gave to the name "Dakota wheat" a value and an additional selling price that in the aggregate would pay a large proportion of the taxes.

#### DAKOTA'S LIVE STOCK INTEREST

Dakota Territory acquired fame because of its immense herds of fine cattle that people its ample pastures, particularly in the country west of the Missouri River, and included the Black Hills after the opening of that region in 1877. It



was from that date that the great industry had its beginning. Rapid City was prominent as the headquarters of a number of the leading owners of the animals, with Charles K. Howard, the pioneer of modern Sioux Falls, as a cattle king. Deadwood was also a residence center, and Custer City another. The industry was in the zenith of its prosperity about 1882, and at the annual round-up in that year some notes were obtained of its magnitude and other features. The winter had been an average one on the ranges, but the spring had not been favorable owing to freshets and a late season. The round-up occurred in June; but the small misfortunes of the season had been fully compensated by a rise in prices in the consuming markets.

The stock growers of Dakota and Wyoming were an intelligent body of men and realized the importance of their industry not only as a wealth producer, but as contributing to the food-consuming people of the nation who made up the foundation of their patronage. They were quite desirous to increase the number of their herds, but equally solicitous about the quality. They maintained a number of expert purchasers who were engaged in securing the best brands of beef cattle to mix with their herds. There was one drove of eighty blooded bulls brought into Dakota from Minnesota in 1882, and other herds were obtained from Missouri, Iowa and Nebraska. The result of this enterprising policy pursued for a few years was to secure for Dakota beef as high a standard in the live stock market as had been accorded to its famous northern grown wheat in the grain markets of the world. The magnitude of the industry was not realized outside the realms where the cattle kings were monarchs of all they surveyed. And it may not have been generally known that the amplest and best feeding grounds in the country, save those in Texas, were the former buffalo plains of Dakota and Wyoming. In what was called the Black Hills ranges there were 500,000 head of cattle, exclusive of work stock. Reduced to its money value, it is apparent that the industry was one of the most important in the territory. As the opportunities and facilities favored an increase of the herds, there was an expectation that another year would witness an addition of 25 per cent to the industry. The business, as conducted by experienced parties, found that the labor expense was the largest item to be met. One round of complete stock was turned loose to range for eleven months, in many cases comparatively unattended, and compelled to "rustle" for food. In some instances taxation was avoided by ranging herds upon land without the pale of the assessor's jurisdiction, such as unorganized districts, which were abundant in Western Dakota. The Indian reserve also furnished pasturage, and though the treaties prohibited any encroachment by the whites, this obstacle was not infrequently overcome by the marriage of white stockmen into Indian families, thus becoming members of the tribe to an extent sufficient to secure the privilege accorded the Indians to pasture their live stock on the reservation land. At a later day the Government arranged to lease the nonused Indian land to live stock men at a certain price per acre, the rental price being given to the Indians interested, which was regarded as a commendable economy on the part of the Government.

#### BUFFALO

The reports heretofore made from time to time of the scarcity of buffalo on the northern plains appear to have been in large part founded on incorrect reports. A responsible fur and buffalo robe dealer named Wolfolk returned to Bismarck in January, 1882, having spent several weeks on a fur-buying trip to O'Fallon's Creek, a tributary from the south that empties into the Yellowstone. Wolfolk had purchased \$26,000 worth of buffalo robes while on his trip from white hunters. There were no Indians in the country. The hunting was all done by whites, who had been quite successful. Game existed in great abundance in the O'Fallon Valley. The plains for miles around were strewn with carcasses of animals that had been slaughtered for their hides alone, and it was appre-

hended that the decomposition of these thousands of dead animals, which would set in with the return of summer, would be apt to breed a pestilence on the frontier, though the extraordinary healthfulness of the mountain climate and the curative effect it has on exposed meat of any kind was expected to modify this danger largely. While there were thousands of these animals killed every winter for their skins, and thousands more slaughtered during the summer by the Indians for food and their hides, yet the number and extent of the herds in the far Northwest, judging from the vast number of hides secured, showed no diminution. But there was a limit, and the completion of the railroads through the buffalo feeding grounds brought about the extinction of the century old traffic. The buffalo, like the wild and untamed Indian, abhors civilization and the shriek of the locomotive, and will not remain where their presence can offend him. Even following this venture of Mr. Wolfolk, a remarkable falling off of all the game animals in that country was observable.

#### INCREASE OF POPULATION NOTED BY CONGRESS

The rapid increase of population in the Territory of Dakota during the two years beginning January, 1880, and ending December, 1881, is nowhere more reliably shown than in the report of the House Committee on Territories, submitted in 1882, when reporting the bill for the admission of the State of Dakota. We copy the paragraphs exhibiting this increase:

From the establishment of the first land office in the Territory of Dakota until June, 1880, a period of eighteen years, the whole number of preemption and homestead claims filed was only 44,122, while the records of the land office disclose that since the census of 1880, and to the 31st of December, 1881, there were entered of these claims 16,718 during a period of less than nineteen months. That the whole number of acres thus entered previous to the census of 1880 was only 7,381,880, while 1,020,280 have been taken during the succeeding nineteen months.

As each of these preemption filings and homestead entries must be based upon a personal settlement, residence and cultivation, and as no claim can be perfected except upon strict proof of these essentials, such entries alone furnish the strongest evidence of a large increase of population. Estimating four persons for each land entry, it would give an increase of population since the 1st of June, 1880, of 66,872. This calculation does not take into account the increase of population based upon the number of entries and filings since the 1st of January, 1882, nor the number of persons constantly settling ahead of surveys or engaged in mining, prospecting, freighting, commercial and other pursuits, which, it is believed, would swell the aggregate of increase since the census of 1880 to nearly 75,000.

#### PENITENTIARY OFFICIALLY OPENED

Pursuant to a law passed at the session of the Legislature of 1881, providing for the erection and opening of the territorial penitentiary, the following proclamation was issued by the governor of the territory on the 22d of November, 1882:

Whereas, The following notification has been received from the directors of the territorial penitentiary, showing that the new penitentiary at Sioux Falls is ready for occupancy

To his Excellency, N. G. Ordway, Governor of Dakota Territory.

Sir—We are pleased to inform you that the territorial penitentiary is now in readiness to receive convicts, and would most respectfully ask that an order be issued for the removal of the territorial convict now in the house of correction at Detroit, Mich., to the territorial penitentiary at Sioux Falls, D. T.

Respectfully,

W. L. DOW,

R. H. BOOTH,

THOS. H. BROWN,

Board of Directors of Dakota Penitentiary.

Now, therefore, I, Nehemiah G. Ordway, governor of the Territory of Dakota, in accordance with the before named law, do make this my proclamation, announcing the fact that the territorial penitentiary located at Sioux Falls, in the County of Minnehaha, is

now ready for occupancy and the reception and safe keeping of territorial prisoners who are now confined under previous acts of the Legislative Assembly at the house of correction, in the City of Detroit, in the State of Michigan; also all persons who have been or may hereafter be convicted and sentenced to the territorial penitentiary by any and all territorial courts within and for the Territory of Dakota. And each sheriff and judge of the district courts in this territory is hereby required to take notice that after thirty days from the date of this proclamation, any and all persons, sentenced to imprisonment in the territorial prison, shall be committed to such prison at Sioux Falls, D. T.

In testimony whereof I have hereunto set my hand and caused to be affixed the great seal of the territory. (L. S.)

Done at Yankton, the capital of Dakota Territory, on this 22d day of November, A. D. 1882. N. G. ORDWAY.

By the Governor; GEO. H. HAND, Secretary of the Territory.

The removal of the prisoners from Detroit was begun on the 11th of December following. There were twenty-nine prisoners in the first squad transferred, in charge of Warden Koehler, who had been deputy warden at Detroit, but had been appointed warden of the new Dakota institution. He was assisted by Sheriff Dixon of Minnehaha County, Sheriff M. A. Baker of Yankton County, Sheriff Boyce of Union County, Sheriff Clark of Moody County, and Messrs. Booth and Brown of the penitentiary board. The transfer was accomplished without unpleasant incident. There were a number of prisoners whose terms of imprisonment would expire within a short time, and these were pardoned.

#### INSANE HOSPITAL DESTROYED BY FIRE

The State Insane Hospital at Yankton was destroyed by fire on the afternoon of Sunday, April 2, 1882. The cause of the fire was no doubt accidental, but further than that there seemed no satisfactory clue except that a spark of fire had been wafted into an open window while the patients were outside enjoying an airing, the day being a fine one. Four of the male patients lost their lives in the fire.

Henry Heflen, attendant in the male ward, gave these particulars. Himself and his brother, Marion, had the male patients, thirty-four in number, out on the lawn playing ball. After the hour of sport the attendants started to take the patients back to their ward, Heflen leading, and as he opened the door of the west wing he saw that the room was filled with smoke. He sprang up the narrow stairway, and at least a dozen of the patients crowded behind him. He discovered that the whole upper dormitory of the west wing was in flames, the fire reaching entirely across the room. When he turned to descend he found the stairway blocked by the excited patients. He crowded them back, and was compelled to knock some of them down and drag them with him. The fire made quick work of the entire structure; but the infirm patients and the women were all taken out in safety. There were five lives lost, but this was due to the uncontrollable frenzy of a very few patients, who would rush into the burning building, and become involved in the smoke and intense heat. These unfortunates were Peter Peterson, of Fargo; Ora Lynch, an idiot boy from Elk Point; Amen Iversen, of Yankton; Joseph Havelly, of Deadwood, and L. J. Prindle, also of Deadwood.

The new brick structure which had been in process of building was fortunately inhabitable, though unfurnished; its furniture had been received and stored in the burned building and was all destroyed. The superintendent of the hospital was Dr. S. B. McGlumphy, who exerted himself to save the lives of the patients, for there were many who required to be forcibly restrained to prevent them from rushing into the flaming structure. Whether they realized that there was danger in the fire did not appear, and many of the convalescing patients were observed holding the wilder ones from imperilling their lives. A messenger was sent to Yankton as soon as the flames were discovered, and the fire department immediately responded; but they had three miles to traverse before reaching the scene of the fire, and they arrived too late to be of any service, for the flames did their



work of destruction in less than half an hour. Doctor McGlumphy lost a fine library and all his surgical instruments, and the employees lost their money which they had left in their trunks, one of them \$400. The loss to the territory was about fifteen thousand eight hundred dollars with \$7,800 insurance.

The new building was furnished sufficiently to insure the comfort and safety of the patients from materials procured at Yankton. There were fifty-four insane persons in the hospital at the time of the fire, thirty-five males, and nineteen females.

A coroner's jury was impanelled and an inquest held at the hospital on the 3d, 5th, and 11th days of April following, before Dr. D. Frank Etter, county coroner. The jury found that the five persons who were fatally burned came to their deaths by the accidental burning of the Dakota Hospital for the Insane, on the 2d day of April, 1882, the said deceased persons being then lawful inmates therein. The jurors found that the hospital was destroyed by fire which originated in the west wing, being the male ward; the particular cause of the origin of the fire the jurors were unable to determine. The jurors also found that the fire did not originate, or the deaths of the above named persons did not occur, through the negligence or carelessness of any officer or employee of said institution. On the contrary they find that the available time during which it was possible to render any assistance to the persons whose lives were imperilled, did not exceed five minutes for the male ward and ten minutes for the female ward, and that the entire structure was in flames within thirty minutes from the first discovery of the fire. That during the time the officers and employees exerted themselves with judgment, energy, and courage, toward the rescue of the inmates, and that especial commendation is due to those in charge of the female ward of the institution. Signed by D. Frank Etter, coroner, J. L. Foskett, Robert Burns, L. Piles, jurors.

There was great room for improvement in the proper care of the insane at this time, but it was manifested that this improvement could not be had without the expenditure of the money necessary to pay for it. It was therefore plain that the improvement must begin, or be initiated by the people themselves, and through their influence and support, through the people's representatives who controlled the public purse and were charged with the responsibility of expending the people's money. Improvement would cost money but in this case would be humanely and wisely invested if repaid in the improved condition and more rapid recovery of the patients.

Legislatures should be extremely careful not to make niggardly appropriations for such an institution as an insane hospital. If there is one institution above all others that must be maintained, it is that which cares for the insane, and to no one except the insane patient does this truth have a deeper meaning than to those who are charged with the administration of these hospitals. They feel that they must keep going though the money to meet expenses is scant and insufficient. The result is hurtful economy and this economy must be borne in great part by the patient. It is necessary to reduce the number of attendants—already below the number which the welfare of the patients require—a cheaper and plainer diet is resorted to in order to eke out the year with the small amount on hand, and probably irreparable injury results to many patients who may be on the road to recovery, but are halted in their progress because the care and watchfulness most essential for them cannot be afforded.

The attendants should be young women and men of excellent character and good ability, always. To secure this class of people wages or salaries must be fixed on a liberal scale. By offering this inducement the territory would be able to secure intelligent, and capable young people, and would be further able to retain their services, which is of greater importance as a factor in promoting the well being and hastening the recovery of patients. A constant shifting and change in the ranks of employees is hurtful in many ways, but in none more than that it invites a respectable class who take up the work as a temporary employment,



and abandon it within a few months for other fields where wages are more inviting. Under such influences the attendant is acquiring a nomadic character such as is found in many of the mechanical employments, and has no heart in the work, and not much regard for the trust it imposes. The helpless and unfortunate condition of the people entrusted to their charge does not appeal to their sympathies or awaken any realization of the graver responsibilities assumed and the sacred duties devolving upon them. It is thus that the niggardly appropriation works; and when this is understood and realized by the people, they will insist upon a more liberal and consistent support of insane hospitals. Instead of making appropriations barely sufficient to poorly support the institution, they should be ample and if anything more than has been estimated by those in charge of the institution, for the reason that these officials have been so impressed by the legislative reluctance to credit their estimates; by the unreasonable and stubbornly ignorant view taken of the needs of such institutions that they are inclined to pare down their estimates to the danger point. They are made to believe that the value of their services will be measured by the "How cheap can you run the hospital?" and not as it should be: "How well can you conduct it in the interest of the insane people?" Let judgment be passed upon what is accomplished—not solely on what is spent—as though a father, mother, sister or brother's reason and all the hopes and expectations of his family and friends—must be calculated as having a price in dollars. Such a policy is a decided discredit to civilization, much lower than the one of which we proudly boast.

The officer who underestimates the appropriations necessary to maintain his institution, as he knows it should be maintained to enable it to fulfill its high mission, does more harm than good, a hundred fold; and if this could be understood by those having charge of these and kindred institutions, in this and all other territories as well as states, there would be less rivalry to outvie or excel in the economical management of the institutions. Such a basis of management is too sordid—too widely at variance with the Christian civilization of the present age. Waste and extravagance should be carefully guarded against, and the responsibility for this must be left with the superintendent in charge of the institution. And if men of high character are selected for such positions, there will be neither waste or extravagance tolerated. These positions should be entirely disengaged from all political or partisan control or interference. Nothing is more important than this. A man or woman is unworthy such a position who does not demand absolute freedom from such influences in the discharge of official duties and who does not conduct such duties without regard to party affiliations. Partisanship should be as much out of place in church as among those employed to guide and guard insane people. It is inhumanely ludicrous to think of making a party football of the reason of men and women, and the people abhor it as soon as it is brought to their attention.





A SON OF THE DAKOTA INDIAN  
NATION



A DAUGHTER OF THE DAKOTA IN-  
DIAN NATION

Photos by Indian craftsman, Carlisle, Pa.

# THE GREAT SIOUX RESERVATION

## CHAPTER LXXXVIII

### BLACK HILLS PEOPLE DEMAND OPENING OF SIOUX RESERVATION

1882-84

EARLY EFFORTS TO OPEN GREAT SIOUX RESERVATION—WAGON ROADS AND RAILROADS BOTH NEEDED—DELEGATE PETTIGREW'S BILL BEFORE CONGRESS IS PASSED—STATISTICAL INFORMATION REGARDING THE COVETED COUNTRY—AN EXPLORING EXPEDITION ACROSS THE GREAT AMERICAN DESERT—BLACK HILLS MEETING AT RAPID CITY—THE PROPOSED AGREEMENT—A TREATY COMMISSION APPOINTED—GENERAL CONDITIONS AT PINE RIDGE AND ELSEWHERE—COMMISSION SUCCEEDS IN MAKING A TREATY—REPORT OF THE SECRETARY OF THE INTERIOR—THE TREATY—CONGRESS NEGLECTS TO RATIFY THE AGREEMENT—TREATY CONVENTION AT PIERRE—SENATE APPOINTS VISITING COMMITTEE—PROCEEDINGS OF THE SENATORIAL VISITORS—SENATE DECIDES ON NEW MEASURE—THE BILLS OF SENATOR DAWES.

#### OPENING GREAT SIOUX RESERVE

The opening of the Great Sioux Reservation to the public that there might be a free and unmolested, and lawful route of travel across it from the Missouri River was inevitable in the course of time. One great industrial section of the territory, with 50,000, and probably more inhabitants, with its producing mines of the precious metals which the whole civilized world demanded, and its rapidly growing livestock industry practically fenced in from a large part of the eastern agricultural portion. The Indians occupied actually but a fraction of the vast reservation and made no use whatever of the unoccupied portion, as it contained but little game except in the choicest portions where the Indians had their villages and small settlements, and it was not designed to disturb them in the possession and ownership of these.

Every year following the opening of the Black Hills, this obstacle to the development of that region and the economical pursuit of its industries had been growing more burdensome, and there was an unanimous desire of the industrious and enterprising white people of the territory that a large part of it, extending from the Missouri River to its western border or to the hills, practically the same, should be thrown open to settlement—that railways might be constructed connecting the two sections and the intervening country occupied by white people.

The policy of securing the building of railways through Indian reservations elsewhere as well as in Dakota had become a settled feature of the Government's Indian policy. The prejudice of a large majority of the untutored and unenlightened class was always manifested, but the conviction was forced upon them by the "logic of events" that it was important for their well being not to provoke the enmity of the white people by opposing needless obstacles to the progress of civilization, and the extension of the arteries of commerce. It was further-



more wisely recognized that it was better for the Indians to become familiar with all civilizing agencies. As the Indians became growers of grain and live-stock, the railway could furnish them the advantage of a convenient market and would stimulate their industrial efforts. In recent years in all cases where a railroad company had requested permission to pass through an Indian Reservation, the Indian owners of the land were assembled in council where the proposition was laid before them as a business matter, and their consent obtained without coercion on the part of any influence except that wielded within the tribe by powerful chiefs, which was sometimes charged. The Government, however, took care that the Indians, in every instance, should receive a fair price for the land relinquished to the railroad companies. A right-of-way through the Sisseton Reservation was granted to the Milwaukee in 1880 for its Hastings and Dakota Line, the Indians receiving such compensation for the lands taken as the Government required and was satisfactory to the Indians.

#### RIGHT-OF-WAY FOR WAGON ROADS AND RAILROADS

In June, 1880, the Sioux Indian tribes interested expected to make an agreement with the Government by which they would give the right of occupation, and the right of way for a wagon road to the Chicago and Northwestern Railroad at the place on the Missouri River where the Black Hills freight depots were located. The chiefs representing the tribes interested, some thirty-eight in number, had insisted on making the treaty in the presence of the Great Father in Washington; accordingly the following named dignitaries of the several tribes and bands were furnished with transportation and a purser, and sent to the national capital in a special car.

Son-of-the-Star; Poor Wolf; Peter Beauchamp, and John Smith, Fort Berthold; Two Bears, Big Head, John Grass, Thunder Hawk, and Louis Primeau from Standing Rock; Charger and Bull Eagle, from Cheyenne River Agency; Brother-to-All and James Bowed-Head, from Crow Creek; Spotted Tail, Two Strike, Iron Wing, White Thunder, Black Crow, John Bridgeman, Red Cloud, Red Dog, Little Wound, Red Shirt, American Horse, and Lois Robideau, from Rosebud Agency; Strike-the-Ree, Jumping Thunder, Philip J. Deloria, David Taliajapo, from Yankton Agency; Medicine Bull and Mad Bear, from Lower Brule. There was nothing connected with this business that could not have been arranged without this visit, but the chiefs had learned from experience that a trip to Washington afforded many pleasures and perquisites which would be denied them if they remained at home. They therefore insisted that in a matter of so much importance a council with the Great Father in person was indispensable. And at this time the Indians were apt to be successful in getting nearly everything they wanted if they refrained from the warpath and exhibited a peaceful disposition. It was also considered justifiable because of the opportunity it afforded of impressing the savage with the numbers of the white people, the wonderful improvements they had made, the great extent of the populous country, a kind of education that would tend to discourage the Indians from making war against the Government, therefore the cost of such visits was money wisely expended.

#### C. M. & ST. P. ACROSS RESERVATION

The Chicago, Milwaukee & St. Paul had declined to negotiate with the Indians at the time the agreement was made with the Northwestern for a section of the reservation near Fort Pierre, preferring to rely upon the provision of the treaty of 1876 which provided for the laying out of "wagon and other roads," across the reservation; but subsequently, and within a few weeks, reconsidered its determination and entered upon an agreement with the Spotted Tail tribe for the right-of-way from a point on the Missouri near the mouth of American Crow

Creek to the Black Hills. The particulars of this agreement are substantially as stated in the following paragraph which was written informally at the time of the proceedings:

Upon the order of the secretary of the interior, Col. Robert S. Gardner, United States inspector, delegated to enter into negotiations with the C. M. & St. Paul Railroad Company, and the Indians of the Great Sioux Reservation, reported at Rosebud Agency on the 31st of October, 1880. He there met Gen. John Lawler of the Milwaukee road. On the 1st of November the chiefs of Red Cloud's and Spotted Tail's bands were called together at the quarters of the Rosebud agent, Gen. John Cook. The first day's council led to inquiries and investigations as to the feasibility of the construction of a railroad through the Indian country; after which Spotted Tail and the chiefs concluded to wait until next day before reaching a decision. On the following day a second meeting was held, and after two hours' conference the Indians concluded to accept \$110 per mile for a strip of land 200 feet wide and 180 miles long, running through their reservation, and turn the same over to the railroad company for the construction of a railroad. They were also to receive \$5.00 per acre for land on the west bank of the Missouri at the mouth of American Crow Creek and \$4.00 per acre for depot sites along the line, not exceeding 160 acres at any one point. To this agreement the Indians of the Rosebud and Pine Ridge Agency gave a warm and cordial consent, guaranteeing thorough protection to the employees of the company and their property, from the mouth of American Crow Creek to the western terminus of the line.

This agreement would have given the Milwaukee Company a right of way to the hills whenever they were ready to extend their line west from Chamberlain, provided the assent of the other Sioux tribes could be obtained, for at this time the land in the great reservation had not been subdivided among the tribes, and the consent of each tribe was necessary to sanction the disposal of any portion; and a like agreement had been or would be made with the Northwestern.

Accordingly Spotted Tail set out upon a mission for the purpose of winning over the other tribes. He first visited the Yanktonnais at Crow Creek, they being the nearest to his own domicile. He held a council with the Yanktonnais chiefs, who it seems had heard about the railroad and had resolved on a visit to Washington as a prerequisite, and where the agreement could be better made and understood than was the one at Rosebud. The leading Indians of the other tribes as a rule were somewhat envious of Spotted Tail's influence with the Great Father and some of them charged that he had enriched himself by his close relations with the Government, and they desired, it seems, to imitate his example. The council at Crow Creek did not result harmoniously, and Spot was so incensed that he threatened to bring down upon them his 5,000 braves from Rosebud. He said his Indians were better armed than they had ever been before; that they were soldiers, and always would be soldiers, and much more he added. While he was haranguing in his angry mood, the chiefs quietly left him and refused to make any reply. They left him alone in the council room. Spotted Tail then turned to the agent, and said: "Write down this silence; there is more to it than anything they have said." He then left the agency.

In December following a delegation of the upper river chiefs who were supposed to be immune from the Spotted Tail influence, visited Washington, being requested thereto to fix up the Milwaukee Railroad matter satisfactorily. These chiefs were Blue Coat, of the Sams Arc tribe; Little No Heart and White Swan of the Minneconjoux; Four Bear and Rattling Rib of the Two Kettles; and a delegation of Cheyennes and Yanktonnais. These chiefs were prepared to surrender their interest in the land needed by the railway company and were friendly to the proposed improvement; but they avowed a mistrust of both Spotted Tail and Red Cloud; they had decided before leaving their Dakota homes to sign the agreement but insisted upon receiving their share of the money or other things of value that would be paid for it.

The Government favored the purpose of the agreements, and they could not be made without its consent. Such an agreement had already been made with the Sisseton tribe for right of way to the Milwaukee's Hastings and Dakota line, and similar agreements had been made with other than Sioux tribes in

Nebraska and Nevada, the Government holding that the building of railways through the Indian lands would prove a beneficial agent in promoting and accelerating their civilization, by bringing them in contact with civilized methods. That as the Indians advance as farmers and stock growers they would need the services of the railroads which would prove a valuable factor in regulating prices for whatever they might have of a marketable commodity they desired to sell. But the Indians had been led to believe that the right-of-way was necessary and so strongly desired by the railroad companies that they would be willing to pay almost any price rather than fail in securing it. This was not the case. As has been seen in the case of the Milwaukee, Mr. Lawler had said that he would not build a wheelbarrow track across the reservation for all the traffic the company would derive from a large portion of it, and it was conjectured that neither company was governed so much by the inducements of a profitable traffic, but rather by the ambition not to be outdone in enterprise by a rival. The Milwaukee Company proposed to pay \$110.00 per mile for a right-of-way 200 feet wide, and the Northwestern offered to pay \$5.00 an acre for all the land it would occupy. But the Indians would not agree to accept these propositions though strongly urged to do so by the department, and no agreement was made.

In December, Marvin Hughitt, general manager of the Northwestern, and General Lawler, representing the Chicago, Milwaukee & St. Paul paid a visit to Washington while the Sioux chiefs were there to complete their negotiations for a right-of-way on the line of the surveys which had been made during the summer. These negotiations, the railway companies had supposed had been settled so far as the consent of the Indians to the building of the roads was concerned, but it afterwards appeared that only a portion of the Sioux had been consulted heretofore, and as all had an interest in all the reservation it became necessary to negotiate with and obtain the consent and agreement of all the tribes. The former negotiations were, therefore, of no particular value to the railroad companies, and a new agreement would be necessary. The Crow Creek, Standing Rock and Cheyenne Indians were represented, and the others were known to be in favor of the agreement. The difficulty of agreeing centered on the price of the land which the railroad companies wished to purchase for right-of-way, the Indians demanding 10,000 head of cattle for the privilege and making other rather exorbitant propositions.

The Indian delegations from Cheyenne Agency and Crow Creek met in council with Secretary Schurz and the railway officials at Washington, on December 31, 1880, to consider the sale of a right-of-way over the reservation. At the first session Four Bear, a Cheyenne chief, informed the pale faces that the Indians were willing to sell the land desired for \$7,000,000. Schurz told the Indians the railroad companies were willing to pay \$4.50 per acre, which was nearly four times what the Government obtained for wild land. The secretary pointed out the many advantages a railroad would be to them; but his wise counsel fell on deaf understanding, for at its conclusion Rattling Rib, a Yanktonais, arose in his place, and without referring to the remarks of the honorable secretary, wanted to know whether they could, or could not get the price asked. Schurz replied that they "could not" and added that he thought "the Indians did not know how much \$7,000,000 were, or they would not be so foolish as to ask such a price." Thereupon Rattling Rib remarked: "We must talk it over slow, and we will go home and talk with our people;" and the council then adjourned.

#### INDIANS GRANT RIGHT-OF-WAY

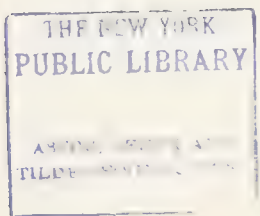
A tract of the reservation at Fort Pierre was at the time being used as the shipping point for Black Hills freight under the original wagon road provision in the treaty of 1876, but it had become apparent that the place had become infested with a lawless and dangerous element, which endangered the lives as well



HARNEY'S PEAK, BLACK HILLS

Highest point in United States east of the Rocky Mountains





as the property, then of great value, belonging to Black Hills merchants and miners, and thus danger had become so imminent as to threaten the abandonment of the route by shippers. In securing the privileges permitted under this new agreement the Northwestern Railroad people would be able to exact this element and thus insure peace and safety to the legitimate business interests of the community. The agreement was in the following form:

This agreement, made this 12th day of June, A. D. 1880, by and between the Sioux Indians, resident upon the reservation in the Territory of Dakota, represented by their chiefs and headmen, and acting under the supervision and with the approval of the secretary of the interior of the United States; and the Dakota Central Railway Company, a body corporate of said Territory of Dakota.

Witnesseth, That said tribes of Sioux Indians do hereby grant to said railway company the right to occupy one section of land on the western bank of the Missouri River, at or near Fort Pierre, in said territory, for a freight depot and for the residence of its employees, necessarily engaged in the operation of its road and in forwarding freight transported by said company to the Missouri River, and for no other purpose, and to be occupied under such regulations as the secretary of the interior may prescribe for the protection of the Indians. Said section of land to be definitely located by said railway company as soon as the necessary surveys have been made to determine the point at which the road of said company shall strike the Missouri River.

And the said Indians do hereby grant to said railway company the right to construct and operate a wagon road, by the nearest and most practicable route, from the point where said freight depot may be located, to intersect the wagon road running west from Fort Pierre to the Black Hills, said wagon road not to exceed 200 feet in width, and to be used for no other purpose except the passage of freight with teams.

The grants herein contained are made upon the express condition that said railway company shall, before entering upon the possession of said land, pay to said tribes of Indians, in such manner as the secretary of the interior may direct, the sum of \$3,200 for the use and occupancy of said section, and the further sum of \$5.00 per acre for the land which may be used by said company for the wagon road aforesaid.

And the Dakota Central Railway Company hereby agree to use said section of land and the said wagon road to be constructed as aforesaid, for the sole and exclusive purpose of trade and intercourse by its own officers and employees, as expressed in the foregoing. And further, to exclude all intruders and persons not in the employ of said company, and authorized to go upon and use said land and road; and to all times observe, aid, and assist in the enforcement of the intercourse laws and the rules and regulations prescribed, or to be prescribed from time to time, by the secretary of the interior, for the benefit and protection of the said Indians.

And upon failure on the part of said company to perform in full and in good faith all the requirements of this agreement, it is hereby stipulated by the parties hereto that all rights of said company in and to the said section of land and wagon road shall be forfeited, and shall cease and determine, and the secretary of the interior, at his discretion, may decide and declare the said forfeiture, and upon written notice to the said company may take possession and control of the lands and road aforesaid for the use and benefit of the said Indians.

It is also further stipulated and agreed that the grant of right of way for the said wagon road herein made and accepted, and the use thereof, shall cease and determine on the part of said railroad company, whenever it shall construct and complete a railroad from the Missouri westward through and across the said reservation in Dakota, or so far as to intersect and connect with the road known as the Fort Pierre and Black Hills wagon road in said territory; but the use and enjoyment of the section of land hereinbefore granted shall continue in the said company, subject to the conditions aforesaid as long as the same shall continue to be embraced within the bounds of the Indian reservation.

It is hereby agreed and understood that the foregoing grants, stipulations, and agreements shall include and be binding upon the successors and assigns of the said railway company as fully as though previously named herein.

In witness whereof we have hereunto set our hands and seals, at the City of Washington, on the day and date above written.

John Grass, Thunder Hawk, Big Head, Two Bears, Bull Eagle, Charger, Iron Wing, Black Crow, Red Cloud, Spotted Tail, Brother To All, James Brule, Red Bull, Like-The-Bear, Two-Strike, White Thunder, Red Dog, American Horse, Red Shirt, Little Wound.

We certify that the foregoing agreement was read and explained to us, and was fully understood by the above named Indians before signing the same.

Official Interpreters.  
L. R.

Attest: Alonzo Bell, Assistant Secretary; W. J. Pollock, Indian Inspector.

Approved, C. SCHURZ, Secretary.

These various efforts of the railway companies, led in 1880-81 to an act of Congress incorporated in the Indian appropriation bill, authorizing the secretary of the interior to treat with the Sioux Indians for a portion of their reservation extending across the entire domain from the Missouri River to the Black Hills; and also a bill, introduced by Delegate Pettigrew, of Dakota, providing for the objects but with more definite provisions. Under the operation of these measures, which became laws, Henry M. Teller, the secretary of the interior, appointed ex-Governor Edmunds, ex-Judge Peter C. Shannon, and James H. Teller, of Xenia, Ohio, a commission to visit the Sioux Indians and make with them an agreement for a transfer of a large portion of their reservation, containing all the way from nine to eleven million acres.

The Committee on Indian Affairs, to which was referred the bill of Mr. Pettigrew, made a report descriptive somewhat of the Indian domain and favored the passage of the bill. The committee said:

The facts in the case are as follows: We find that the Sioux Reservation is situated in the southern part of the Territory of Dakota and extends across the center of the proposed State of Dakota from the 43d degree of latitude on the south to the 46th degree on the north, being over two hundred and twenty miles in length from north to south, and from one hundred and sixty to two hundred and fifty miles in width from east to west, having an area of over thirty-four thousand square miles, and containing over twenty-one million acres of land, being larger than the states of South Carolina, Indiana, West Virginia, respectively, and but a trifle smaller than either Kentucky, Ohio, Louisiana, or Maine. This enormous reservation embraces nearly one-half of the proposed State of Dakota. We find the settlements of the territory within the proposed state to be in the extreme eastern and western portions of it. About twenty-five thousand inhabitants occupy the great mining and agricultural region known as the "Black Hills." This reservation lies between the Black Hills settlement and the other settlements, entirely isolating them from the civilized world, cutting them off from railroad facilities, which can only be supplied by opening the reservation to settlement and occupation.

The portion of the territory lying east of the reservation is already occupied by 150,000 inhabitants, and rapidly augmenting, who have brought into cultivation nearly two million acres of land, organized into districts, townships and counties, liberally dotted with cities and villages, with 1,100 miles of railroad in active operation, penetrating to the very borders of the wilderness embraced in the reservation.

The reservation is occupied by 24,000 Indians, 6,000 males over eighteen; the remainder being women and children. They have under cultivation less than three thousand acres of this vast tract. These Indians are divided into five tribes or bands residing at five different points, owning the lands in common, and are supported by the Government entirely, the country being wholly destitute of game.

The form of the reservation can best be described as an irregular pyramid, with its broad base resting on the southern line of the territory, bounded on the east by the Missouri River, which carries the southeast corner of the pyramid to the 21st degree of longitude west from Washington; bearing thence west of north, making the eastern line an irregular hypotenuse; the western line being an imaginary line on the 26th degree of longitude, excepting a niche where the Cheyenne River is made the boundary for a distance of less than sixty miles.

The lands within this reservation on the Missouri River are rich in alluvial, being well covered with dense timber. Reaching the table lands, on an average of ten miles from the water courses, the finest rolling prairies are found, consisting of deep loams with a fine sub-soil of porous clay, well supplied with lime, alkalis, acids, marl, and the other fertilizers necessary to produce small grains and grasses in their greatest perfection. The native grasses are luxuriant and afford the finest grazing in the world. It is well watered with perennial springs flowing from the Black Hills through regularly distributed streams to the Missouri, and has a climate unsurpassed in the temperate zone.

The reservation is capable of sustaining a dense population, and if put on the market would be rapidly settled by the same class of industrious and worthy people as those now occupying the civilized portion of the territory, and immediately traversed by lines of railroads.

In a letter to the chairman of the Indian Committee, dated June 23, 1882, the secretary of the interior says:

"The quantity of land within the reservation is much greater than is needed for the Indians living thereupon, and in my judgment the reservation should be reduced, and the Indians established on the reserved portion of said reservation best suited to their wants."

In the opinion of your committee the time has come when this vast reservation should be by some amicable and honorable arrangement limited to the reasonable requirements of the Indians. We believe that it is for the interest of the Indians that each tribe or band should be properly located on a separate and distinct parcel of land or reservation of suit

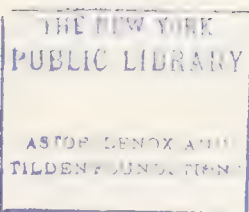


WALLINGTON SQUAW  
AND WALLINGTON INDIAN



SANCTION INDIAN CHIEFS WITH AGENT, 1870





able size and location, and that when so located the land should be patented to the tribe and the settlement made permanent and final. The portion of the present reservation not required for the purpose above stated should be purchased and paid for by the Government, the proceeds to be held in trust for the benefit and improvement of the Indians.

Believing that this bill looks to the accomplishment of the above object, we report the same back with amendments and recommend its passage.

The bill passed and was approved some time late in August, and was followed by the appointment of a commission, consisting of Newton Edmunds, ex-governor of Dakota, Peter C. Shannon, ex-chief justice of Dakota, and James H. Teller, of Ohio, to negotiate a treaty with the Sioux Indians for a portion of their reservation lying between the Cheyenne and White rivers, Dakota Territory. This was a portion of the reservation which the Sioux did not occupy, except in very small part. An appropriation of \$5,000 was made to defray the expenses of the commission. The purpose of the Government was to open up the country described, provide for more direct communication between the Black Hills settlements and the eastern part of the territory, enable railroads to be constructed, the land occupied, and reduce the size of the reservation, which contained 21,000,000 acres of land. It was estimated that the number of Indians living at several points on the reservation, but only a small fraction inhabiting the country proposed to be opened, was about twenty five thousand, their agencies being at Pine Ridge, Rosebud, Cheyenne, Standing Rock, and Lower Brule in Lyman County.

Information of a reliable character regarding the general character of the land, and its fertility, lying west of the Missouri and embraced in and protected from exploration because of being an Indian reservation, was indefinite and unsatisfactory up to the time when the railway corporations began their efforts to obtain a right-of-way from the Missouri River to the Black Hills, about 1881. There had been the reports of exploring expeditions whose work was almost altogether confined to the mountain districts beyond, which were sent out by the Government; and some information from Black Hills emigrants regarding the country in the immediate vicinity of their line of travel; and also the letter of Bishop Hare protesting against the opening of the Black Hills in 1875 or '76, in which he describes the country as nearly worthless for agricultural purposes, and poorly supplied with fuel; but the region generally had long been claimed under the title of "Bad Lands," and even the maps that were issued by authority, designated it as a Great American Desert, and the legend "Bad Lands" was printed in a number of open spaces on the maps, showing that the general features of the country were not inviting except to the curiosity seeker. No authorized statement regarding the value of the country as an agricultural region had been made, nor could be made, because there had been no exploration of the country and nothing had occurred that demanded it. General Sully crossed the valley of the Little Missouri in 1864, where the genuine Bad Lands abounded. It was then known by the reports of Doctor Hayden, Government geologist, that a similar region existed near the headwaters of White River, and the presumption was that the Bad Land belt extended practically without interruption from the southern boundary of the territory to the Yellowstone. This was an error, as subsequent explorations have shown that the distinctive features of the Bad Lands are found at several localities and are not continuous, but even where Sully crossed them he was able to find abundant feed for his large number of animals, and fixed his camp for one night right in the midst of the Bad Lands on the banks of the Little Missouri, and also in the midst of the wonderful mounds, and peaks, and cliffs and petrifications which he designated as appearing "like hell with the fires put out."

When the business interests of the country began in earnest to consider the building of railroads through this region, it became necessary to discover something of its natural resources and capabilities, and experienced and intelligent frontiersmen were engaged for this purpose. Maj. Fred T. Evans was one of these. He was an early settler at Sioux City; a pioneer of the Black Hills, and

an explorer and adventurer by nature. During 1881 he led a small and well equipped company over a large part of the reservation country between the White and Bad rivers.

Starting from the Missouri, opposite Chamberlain, they struck west to the headwaters of Medicine Creek, a large tributary of the Missouri River, and found the Medicine Valley a broad and fertile region that embraced 1,500 square miles. West of the Medicine and White Clay Buttes the country was more rolling, but toward Bad River there were large areas of arable valley lands, covered with the finest of natural grasses, largely buffalo grass, and abundantly watered by creeks coursing toward Bad River. The watershed between White and Bad rivers has its dividing ridge so near the White River that nearly all creeks of importance flow north to Bad River. The party failed to find a square mile where a good farm could not be made according to their report. The party traversed the country to the west coming to the Bad Lands, after a journey of reconnaissance that satisfactorily covered the portion of the reservation between the rivers named, and finally reached a section of the Bad Lands about one hundred and forty miles west of Chamberlain, a most wonderful locality, filled with more novel attractions and majestic objects than any museum in the world. It was so unlike what had been anticipated—nothing forbidding or unattractive about it, but a small world by itself; totally unlike anything they had ever even imagined, and sunk well down in a valley which seemed an appropriate place and setting for the exhibition. They described its peaks and domes towering in "terrible grandeur" and these were visible for a long distance. There were numberless petrifications, monuments of an age long past, and an endless variety highly valued by the scientists. Professor Hayden, who visited this section of the Bad Land region in 1866, with a small company of troops, declared that it was one of the most valuable places in the known world to the geologist, and predicted that the day would come when the famous savans of Europe would regard their stock of information incomplete until they had made a pilgrimage to the Bad Lands of Dakota.

Not much is heard of this wonderful land in recent years, and many of its portable trophies now adorn the most famous scientific cabinets in all continents. The older cities of Dakota contain specimens of its petrified treasures—trunks of trees that are now adding their romantic charm to the well kept lawns of our opulent people, or doing servile duty as hitching posts on the outer curb of the cement walks. The Dakotans may some day establish Bad Land parks as state attractions, and hold these relics of prehistoric ages for the future as well as the present generations to enjoy.

#### BLACK HILLS CONVENTION AT RAPID CITY

The people of the Black Hills were greatly crippled in their enterprises owing to their isolated location caused by the maintenance of this Indian Reservation fronting their entire eastern border, and practically shutting off railway extension from the Missouri River to the hills, while it also served as a serious impediment to the settlement of the range and stock lands which abounded in vast extent north and south of the mineral belt. The opening of the reservation, or a portion of it, was regarded by the Black Hills people as a matter of vital moment, while the steamboat interest and the railways which had reached the Missouri, joined in the demand for the opening of the country. It should be kept in mind that it was not the design to deprive the Indians of an acre that they could or would utilize, for it was only the central portion of the reserve that the uses of civilization at the time required, leaving for the Indians a large domain—much larger than they could occupy if every individual of all the tribes were given a square mile of it.

During the pendency of the bill in Congress, a public meeting was held at Rapid City for the purpose of considering the proposition, at which the following resolutions were adopted:

Whereas, Over one-third of the great Territory of Dakota is rendered valueless and non-productive by reason of the great Sioux Reservation, which covers nearly fifty thousand square miles of the fairest portion of the said territory; and,

Whereas, That vast area is set apart for the exclusive use and enjoyment of a comparatively small number of Indians numbering but a very few thousands, constituting what is known as the Great Sioux Nation; and,

Whereas, All the Sioux tribes of said Indians composing the Great Sioux Nation, at the present time and for years past, have been clothed and fed and fully provided for by the general Government, and for said purpose have been collected by governmental authority around a few agencies, situated within the boundaries of the vast reservation, thus reducing the area of land actually occupied and used by said Sioux Indians, to a very small and insignificant portion when compared with the unoccupied portion of the reservation, so that nearly all the land within the reservation is of no practical benefit to said Indians, and seldom ever traversed by them; is of no value to them; and could, therefore, be surrendered by them without real loss and without inconvenience; and believing it to be such, a question of time when the Indian title will be extinguished to a greater portion of the reservation, which serves no useful purpose in its present condition either to the Indians or to the country at large; but on the contrary is a clog in the wheels of progress; and,

Whereas, An effort is now being made to secure a monopoly of the reservation for grazing purposes, and asking for authority to make leasehold privileges, for grazing purposes only, to the exclusion of every other interest and of every other use, and thus leaving the reservation of as little practical importance to the country at large as it is in its present state, and tending to perpetuate the existence of the reservation, for the reason that the owners of the leasehold estates would unite with the reversioners, the Indians, in resisting any and all attempts to extinguish the Indian title;

Now, therefore, believing that it is for the best interests of the country at large that the Great Sioux Reservation, when opened for any purposes should be opened for all purposes, and that until it is opened for all purposes railroads will not build into or through it, and further believing that any effort to favor any particular industry to the exclusion of others, or any effort establishing a privileged class, is opposed both to the spirit and letter of our laws; therefore, be it,

Resolved, First—That it is the duty of all good citizens and all true Dakotans to unite in asking and demanding that the Indian title to the Great Sioux Reservation be extinguished by governmental authority, and that vast and fertile region be opened to homestead and pre-emption settlement, and thus be opened for all and every purpose;

Second—That it is the duty of every good citizen and true Dakotan to oppose by all honorable means all efforts and measures to create leasehold privileges within the reservation in the interest of one class of men, and of one industry, to the exclusion of others;

Third—That the creation of leasehold estates within the reservation would delay the building of railroads across the reservation to the Black Hills; would postpone indefinitely the opening of the same for homestead and pre-emption settlement, and would organize and build up a powerful monopoly that would be prompted by interest to resist by organized effort any attempt to divest the Indians of their present title;

Fourth—That we believe it to be a matter of justice, not only to the people of Dakota, but to the people of the whole United States, that the Indian title should be extinguished and the reservation opened for every purpose, as all public domain should be;

Fifth—That since no great object was ever attained except by due and proper concert of action, we therefore favor a conference between the communities or committees of the Black Hills counties at as early a day as can be agreed upon, to the end that a united effort be made in bringing this subject, of so much importance to us, and all of us, to the attention of the proper authorities.

#### THE PROPOSED PLAN

The plan of the agreement with the Sioux that had been previously arranged, was a proposition to purchase from the Indians about eleven million acres of the central portion of their reservation, which would effect a division of the great reservation. That portion of the reserve remaining south of White River to be subdivided into two reservations, separate and independent of each other, in every way, one of which reserves would be set apart for the permanent home of Red Cloud's Ogallalas, and the other to the Brules of Rosebud. The country north to be divided between the Indians who had their agencies at Standing Rock and at Cheyenne, which included the Upper Yanktonnais, the Uncapapas, the Lower Yanktonnais, the Minneconjoux, the Sans Ares, the Two Kettles, the Blackfeet Sioux, and the Lower Brules. Three reservations, four, including Crow Creek, were to be given to these northern tribes.

These reservations were to be the permanent homes of the tribes for whom they were set apart. It was also a part of the agreement that these reservations



were not to be shared among all the tribes, but belonged exclusively to the tribe or tribes inhabiting them, and were to be their permanent home. It was a move in the direction of higher civilization. It began the preparation of the system for breaking up the tribal organization, and the settlement of the individual Indian and his family on a small reservation or farm of 160 to 320 acres, wholly and lawfully his own property, where he could be head chief of a family, and of his fields and pastures, flocks and herds.

Another laudable purpose was to connect eastern and western Dakota with a wide belt of ceded territory that white settlers might occupy and improve, that railways might traverse without lawful hindrance from the Indians, and that would permit the valuable growing interests of the Black Hills and its people, a right-of-way to the eastern part of the territory, and give the eastern inhabitants a direct route to the mining regions.

Great interests were involved in this treaty—the welfare of a partially civilized race of human beings, being the most important, compared with which the cost of the land, or the price per acre was dwarfed into a small matter in the estimation of the better class of citizens.

The commission proceeded to secure the assent of the Indians to the agreement through the chiefs and head men of the several tribes, thus pursuing the same course that was taken by the commissioners that made the Black Hills Treaty in 1876, of which Governor Edmunds, of this commission, was a member.

#### SHANNON'S RED CLOUD LETTER

The commission began its work at the Santee Agency, opposite Springfield, the Santees having some property interest in the Great Sioux Reservation, though they did not inhabit any portion of it and did not desire to, for they were getting along well in their abode in Nebraska, and had already become an orderly, industrious community, boastful of six schools and three churches, and many fine residences and cultivated farms. They signed the agreement with the commissioners with little hesitation, and the treaty-making ambassadors then betook themselves to Red Cloud's Agency at Pine Ridge. It should have been stated that the Santees numbered about eight hundred people.

Rev. S. D. Hinman, of the Indian Bureau, Washington, had joined the commission, as interpreter. Judge Shannon related his impressions of the big tribes and their modes and habits, later, affording an insight into the domestic life of the better class or more civilized class of Indians, when at home. The judge said:

Pine Ridge Agency is in Southwestern Dakota, within the reservation, and about two miles north of the Nebraska State line. There were Oglala Sioux numbering 8,000 people. Our reception was one to be remembered. When we approached the agency we saw in the distance a fine cavalcade of horsemen coming toward us at a slight gallop. They were the mounted Indian police, and a finer company you could hardly picture. They were uniformed in blue, and were officered like any cavalry company. A standard bearer bore the United States flag, and when they came up to us they saluted in true military style, and then turned and escorted us into the agency. Soon after our arrival, a dignified, well dressed Indian approached our headquarters, and I noticed that he carried a cane in a truly civilized way. He was greeted warmly by our interpreter, and then we discovered that the great Red Cloud, of the Sioux, was about to be presented to us. He is a fine specimen of Indian manhood and is as dignified in his deportment as a senator. He was dressed as well as any member of the commission, and lives in a good house built by the Government. We also met Young-Man-Afraid-Of-His-Horses,—which is a misnomer, for the real name is Young-Man-Of-Whose-Horses-You-Are-Afraid,—who is very intelligent, dresses like any white man, and is very powerful with his people.

At this agency we remained eight or nine days and held numerous councils with all the leading chiefs and men of the tribe. We explained to them their rights under the treaty of 1868 and the agreement of 1876, the latter ceding to the Government the Black Hills. Every point that could be suggested by the Government or the Indians was brought up and discussed. We found a unanimous wish among them for a separate reservation for themselves, and a great desire to begin in the way of raising cattle for sale. They have great herds of cattle brought into the agency under contract and paid for by the Govern-

ment, and they are seduced with a desire to raise the cattle themselves and make money. They want to get land of their own, are disposed to cultivate the soil and begin a civilized life.

We never gave a present nor a feast, but found every council largely attended, and all were conducted with great gravity. The chiefs exhibited full knowledge of their rights. They also seemed to recognize fully that it was to their advantage and the advantage of their people to be employed in some useful and profitable occupation, and hence their anxiety to get to cattle raising. We found there a large Government school, where, as we have mentioned, which will be filled with pupils on the opening of school. The report of a number of young men and women from the Carlisle School has taught the tribe what is to be gained through the schools, and now they are clamorous for them. They want to get all as much as they do cattle.

From Pine Ridge we went to the Rosebud Agency, where are the Brule Sioux, numbering nearly eight thousand persons. Young Spotted Tail and Swift Bear were found to be the principal men. We were there six days and held councils with all the principal men. We found that they, too, wanted cattle and schools and were anxious to have a separate reservation. They expressed a desire to have their brethren at the Lower Brule Agency join them and come below White River. They were particularly anxious about the schools and wanted enough of them for all their children. We found Young Spotted Tail residing in an entirely civilized way in a large two-story frame building which cost \$5,000. He has his horse and buggy, and drives and dresses like any young white man of consequence. We found him with all these evidences of civilization, although he cannot talk a word of English.

Now thus far we have visited about sixteen thousand of the people who go to make up the great Sioux Nation. That number is by far the greater portion of the nation, but we cannot form any conclusion as to what will be done until we have met the chief men of every tribe. We go now to Standing Rock, near Bismarck. Then to Cheyenne Agency, near Pierre, and the Crow Creek and Lower Brule agencies, near Chamberlain.

The commission met with success at Standing Rock, at Cheyenne and Lower Brule, where the proposition was favorably received and agreed to and signed by the chiefs and head men.

The commission did not on that trip secure the necessary signatures at the Crow Creek Agency which was inhabited by Lower Yanktonnais principally, where a peculiar situation governed growing out of the dispute between the Indians and white settlers regarding the ownership of the land, which is fully explained in the chapters from 1885 to 1886, during the administrations of Governors Pierce and Church. The Rev. Mr. Hinman, interpreter, secured them later and in time for the commission to make its official report before the meeting of Congress.

It has been observable that all the tribes had raised an objection to the price, which they deemed much too small, but they agreed to it. The Indians also expressed a strong desire for a large payment in cash—money down. The Government had learned from a century of experience, that money was the article the Indian had the least use for so long as the Government furnished him, as it did, with every material necessity that his creature wants demanded. It had proved an obstacle to his civilization.

#### REPORT OF EDMUNDS COMMISSION

The report of the Edmunds Sioux Commission was transmitted by the President to the House of Representatives, accompanied by a letter from the secretary of the interior, early in the month of February, 1883. Secretary Teller, in his letter of transmittal, said:

The proposed reservations are located in accordance with the wishes of the Indians, and are of such extent as to give ample territory for the present and future needs of the occupants. The consideration for the land ceded consists principally in cattle for stock raising, for which the country reserved is especially adapted, and the carrying of horses, the most natural and effective means by which the Indians can aid in their own support and may also be made an instrument for elevating and improving their condition. The sum required for carrying out this agreement is, therefore, in effect, only an advance of capital to the Indians, the returns on which will eventually relieve the Government of a large annual expenditure for their support. I regard the agreement as favorable alike to the Indians and to the Government, and respectfully recommend the favorable consideration of the commission's report. The land ceded to the Government is estimated at

seventeen thousand to eighteen thousand square miles. Its value for stock raising is beyond question, and many parts will doubtless prove equally valuable for farming purposes.

Respectfully submitted,

H. M. TELLER, Secretary of the Interior.

#### LOCATION OF SEPARATE RESERVATIONS

The agreement had been signed by the chiefs and headmen of about twenty-three thousand Sioux, and there remained to be obtained the signatures of the chiefs and headmen of about one thousand five hundred more at Crow Creek. This commission, in procuring signatures to the agreement had proceeded in accordance with the precedent established in the Black Hills Treaty of 1876, ignoring the article in the Sherman Treaty of 1868 which provided that subsequent treaties or agreements with the Sioux should not be valid unless signed by three-fourths of all the male adult Indians, which treaty was held to be in force so far as this provision was concerned. However, the work that this commission had done was of great value, and Congress was asked to ratify the agreement, there being no question about procuring the remainder of the signatures which were principally those at Crow Creek.

Congress was asked to appropriate \$800,000 for the purpose of carrying out its provisions. The treaty provided for the cession of about ten million acres. In the agreement it was declared to be the policy of the Government to provide for the Sioux Indians a permanent home. The various bands were placed on separate reservations. The Indians relinquished all of the Great Sioux Reservation excepting certain portions set apart as separate reservations for themselves. In consideration of this cession on the part of the Indians, the United States agreed that each head of a family might select 320, or not exceeding 400 acres out of this reservation for each of his children living at the ratification of this agreement, under the age of eighteen years. The United States agreed to furnish to the Indians 25,000 cows and 1,000 bulls, to be distributed among the different reservations. The Government was also to deliver to each family one good cow, and one well broken pair of oxen, with yoke and chain. Each reservation was to be furnished with a carpenter, miller, engineer, farmer, and blacksmith for a period of ten years. The sixteenth and thirty-sixth sections of each township in each reservation were to be reserved for school purposes.

The Sioux on the Santee Reservation in Nebraska consented to the agreement, reserving all rights in the Santee Reservation in Knox County, Neb., upon which they were living.

The Indians at the Pine Ridge Agency were given a separate reservation, described as follows:

Beginning with the intersection of the 103d meridian of longitude with the northern boundary of Nebraska, thence north along said meridian to the south fork of the Cheyenne River; thence down the said river to a point due west from the intersection of White River with the 102d meridian; thence due east to said point of intersection; and down said White River to a point on longitude 101 degrees and 20 minutes west; thence due south to said boundary line of the State of Nebraska; thence west along said boundary line to the place of beginning.

The Indians receiving rations and annuities at Rosebud Agency, D. T., were given a separate reservation described as follows:

Beginning on the north boundary of the State of Nebraska, at a point in longitude 101—20 west, and running due north to White River; thence down said river to a point in longitude 99—30 west; thence due south to the northern boundary of the State of Nebraska; and thence along said boundary to the place of beginning.

The Indians receiving rations and annuities at Standing Rock Agency, D. T., were given a separate reservation described as follows:

Beginning at a point at low water mark on the east bank of the Missouri River, opposite the mouth of the Cannon Ball River; thence down said east bank along said low water



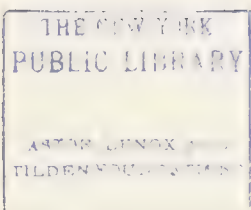


RAPID CITY, THE GATEWAY OF THE BLACK HILLS  
Looking toward Fort Meade and Deadwood



BIRD'S EYE VIEW OF THE BLACK HILLS  
Photo by Dakota School of Mines





mark to a point opposite the mouth of Grand River; thence westerly to said Grand River and along the middle channel of the same to its intersection with the said meridian of longitude; thence north along said meridian to its intersection with the north branch of the Cannon Ball River, also known as Cedar Creek; thence down said south branch of the said Cannon Ball River to its intersection with the main Cannon Ball River; and down said main Cannon Ball River to the Missouri River to the place of beginning.

The Indians receiving rations and annuities at the Cheyenne Agency were given a reservation described as follows:

Beginning at a point at low water mark on the east bank of the Missouri River opposite the mouth of Grand River, said point being the southeasterly corner of the Standing Rock Reservation; thence down said east bank of the Missouri River along said low water mark to a point opposite the mouth of the Cheyenne River; thence west to said Cheyenne River and up the same to its intersection with the said meridian of longitude; thence north along said meridian to its intersection with Grand River; thence down said Grand River, along the middle channel thereof, to the Missouri River at the place of beginning.

The Indians were to receive all necessary aid from the Government in the removal to the reservations, and when removed each would receive from the Government the value of all improvements in the buildings or lands owned by him.

The Lower Brule Reserve opposite Crow Creek was not mentioned in the report, it being the intention to locate the Lower Brules on the Rosebud Reserve.

#### THE TREATY

In his annual report to the President, submitted in December, 1883, the secretary of the interior recites the steps that had been taken by Congress and the Edmunds Commission to effect a purchase of a portion of the reservation, which is here quoted:

The Great Sioux Reservation, including the agencies of Cheyenne River, Lower Brule, Standing Rock, Pine Ridge, and Rosebud, contains, according to the report of the commissioner of Indian affairs, 48,924 square miles, with a population of about twenty-four thousand inhabitants, or about one to two square miles. The total number of acres cultivated on said reservation was 3,484, or about 5 1/4 square miles. The land claimed as cultivated consists of small and badly cultivated fields, and the most of it can scarcely be considered as cultivated land.

The Forty-seventh Congress (1882) provided, in an act making appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes, as follows:

For this amount, or so much thereof as may be necessary to enable the secretary of the interior to negotiate with the Sioux Indians for such modification of existing treaties and agreements with said Indians as may be deemed desirable by said Indians and the secretary of the interior, \$5,000; but any such agreement shall not take effect until ratified by Congress: Provided, however, that any cession of lands made by said agreement by the Indians shall be upon the express condition that the United States shall only dispose of the same to actual settlers, under the provisions of the homestead laws. (This latter provision virtually repealed the pre-emption law as to that reservation.)

Approved, August 7, 1882.

Under this provision the commissioners were appointed to confer with the Indians and report to Congress for ratification. On the first of February, 1883, the commission reported by which it appears that the Indians at the several agencies above mentioned had agreed to cede to the United States about eighteen thousand square miles on the following conditions:

Article 2. The said Indians do hereby relinquish and cede to the United States all of the Great Sioux Reservation, as reserved to them by the treaty of 1868, and confirmed by the agreement of 1876, not herein specifically reserved and set apart as separate reservations for them. The said bands do severally agree to accept and occupy the separate reservations to which they are herein assigned as their permanent homes, and they do hereby severally relinquish to the other bands respectively occupying the other separate reservations, all right, title, and interest in and to the same, reserving to themselves only the reservation herein set apart for their separate use and occupation.

Article 3. In consideration of the cession of territory and rights, as herein made, and upon compliance with each and every obligation assumed by the said Indians, the United States hereby agrees that each head of a family entitled to select 320 acres of land, under article 6 of the treaty of 1868, may, in the manner and form therein prescribed, select and secure for the purposes of cultivation, in addition to said 320 acres, a tract of

land not exceeding eighty acres, within his reservation, for each of his children, living at the ratification of this agreement, under the age of eighteen years, and such child upon arriving at the age of eighteen years shall have such selection certified to him or her in lieu of the selection granted in the second clause of said article 6, but no right of alienation or encumbrance is acquired by such selection and occupation, unless hereafter authorized by act of Congress.

Article 4. The United States further agrees to furnish and deliver to the said Indians 25,000 cows and 1,000 bulls, of which the occupants of each of said separate reservations shall receive such proportion as the number of Indians thereon bears to the whole number of Indians parties to this agreement. All of said cattle and their progeny shall bear the brand of the Indian department, and shall be held subject to the disposal of said department, and shall not be sold or exchanged or slaughtered, except by consent or order of the agent in charge, until such time as this restriction shall be removed by the commissioner of Indian affairs.

Article 5. It is also agreed that the United States will furnish and deliver to each lodge of said Indians or family of persons legally incorporated with them, who shall, in good faith, select land within the reservation to which such lodge or family belongs, and begin the cultivation thereof, one good cow and one well-broken yoke or pair of oxen, with yoke and chain, within reasonable time after making such selection and settlement.

Article 6. The United States will also furnish to each reservation herein made and described, a physician, carpenter, miller, engineer, farmer, and blacksmith, for a period of ten years from the date of this agreement.

Article 7. It is hereby agreed that the 16th and 36th sections of each township in said separate reservations, shall be reserved for school purposes, for the use of the inhabitants of said reservations, as provided in sections 1,946 and 1,947 of the revised statutes of the United States.

Article 8. The provisions of the treaty of 1868, and the agreement of 1877, except as herein modified, shall continue in full force. This agreement shall not be binding upon either party until it shall have received the approval of the President and Congress of the United States.

The foregoing agreement was not signed by a majority of the adults, but by the chiefs and headmen. The Treaty of 1868 required that all treaties thereafter made should be ratified by three-fourths the adults; but the Treaty of 1876, ceding the Black Hills was not executed in accordance with the Treaty of 1868. The commissioners considered this as a precedent, and decided to accept the action of the chiefs and headmen as that of the tribes, which is in strict accordance with Indian law.

The secretary of the interior stated further that Congress had declined to ratify the foregoing agreement, and required that three-fourths the adult Indians should subscribe thereto.

The commissioners had since been at work endeavoring to secure the necessary signatures; but it was alleged that the Indians had very generally concluded that it is not for their interest to dispose of their lands in the way proposed, and much dissatisfaction was said to exist among them. It was claimed that the price to be paid was not sufficient, and the Indians were not informed of the true meaning of the agreement. It was well understood that the Indians had now assumed a negative position toward the Edmunds agreement.

The secretary said, "It is not possible to make a treaty or agreement with the Indians with which he will not be dissatisfied." Almost immediately after the agreement was signed by the chiefs and headmen, certain parties (whites), advised the Indians that they should not treat with the Government for a cession of lands unless they were paid in cash, and every effort was made by interested parties to induce the Indians to retire from the agreement. If one-half the amount proposed to be expended for their benefit was offered them in cash, there would be no question but they would readily agree to the cession. It is difficult to make an Indian comprehend the benefits he will derive from a cession of land, unless he is paid in cash or its equivalent. He does not look forward to the time when he is to be self-supporting, but expects the Government to supply all his wants and pay him in cash or its equivalent for the lands which he values mainly as a means of securing compensation from the Government, and not for use. The treaty agreed upon gave the Indians more land than they would need for stock or farming purposes, being something over one square mile to each Indian, great or small.

## OPPOSITION TO THE TREATY

This agreement, proposing as it did a somewhat radical change in the legal status and also in the domicile of the Sioux Indians, enlisted the attention of the country by the prominence given it through the press and the Indian Rights Association, and also by some of the leading missionaries among the Indians. Bishop Hare, in charge of the Episcopal mission among the Sioux, squarely opposed the agreement on the ground that it showed bad faith on the part of the Government, was inequitable, that the method of the division of the land was not just, and the price for the land not sufficient.

These objections were publicly replied to by the Edmunds commission in a statement by J. H. Teller, one of the commissioners, which statement at the time was considered a satisfactory, complete and valid answer to all the objections urged. In concluding the statement, Mr. Teller explains the reasons governing the commission in securing signatures, and in other matters, in the paragraphs following:

In this connection it should be stated that by existing treaties these people are entitled to support until they become self supporting. A different view of the subject, it is true, is entertained by certain eastern people, who take up the subject in a dilettante, sentimental sort of way, as an agreeable substitute for the work demanded of them at their doors and the poverty and suffering which are nearer and therefore less agreeable to deal with. They regard the Indian, seen through a haze of romance, and mystery, born of absolute ignorance of the object of their admiration, as a veritable Hiawatha, and would permit him in his ignorance and greed, to be the sole judge of what is good for him. Social position or connection with missionary societies gives to their opinions an influence out of all proportion to their merits, and gains for them the support of those whose greater knowledge ought to lead to more sensible conclusions. It was the interference of these well meaning but ill informed people that caused the rejection of the agreement by Congress on the ground that it was not properly signed.

It was assumed that the commission had spent months upon an agreement, which had passed the scrutiny of the interior department, without being fully informed as to the number of signatures required to make it effective. The explanation of the matter is very simple. Article 12 of the treaty of 1868 provides that no cession shall thereafter be made, except by consent of three-fourths of the male adults.

In making the agreement of 1877 the same parties—the United States on one side, and the chiefs and headmen of the Sioux on the other—agreed to ignore that provision of the treaty of 1868, as was clearly within their power to do. The agreement thus made by the chiefs and headmen only was ratified by Congress, and thereby article 12 was in effect abrogated. The Indian form of Government is thoroughly representative, the chiefs in such case as this merely executing the orders of the council, and there is no reason for questioning the validity of their acts when thus authorized by their people. The instructions received by the commission, following both precedent and good sense, were that the signatures of the chiefs and headmen would be sufficient, and in accordance with these instructions the agreement was made. It was entirely satisfactory to the Indians, and would still be so had not a persistent effort been made to cause them to think they had been swindled.

The commission was aided materially by those agents who, by experience among Indians, are best qualified to judge of their needs, and by such disinterested men as Bishop Marty and others, who, to a warm interest in the Indians' welfare, add a thorough knowledge of their character and capabilities. The more intelligent and Christian Indians everywhere favored the agreement, while the barbarians, who wished to preserve the status quo, opposed it.

It is a strange spectacle now presented of these men, who have as missionaries labored among these people to Christianize and civilize them, deserting now their converts and supporters and allying themselves with the non progressive element in an attack upon the agreement, which, if successful, will result not in improving, but destroying it. No one who has actual knowledge of the situation doubts for a moment that a failure to ratify the pending agreement will defer the opening of the reservation indefinitely. Its opponents among the Indians will be encouraged to reject all plans for a cession, while its friends will be disheartened and cowed, and no understanding can be arrived at for years to come.

Red Cloud, who represents the Indian opposition, now openly declares that no cession must be allowed, and is making strenuous efforts to unite the Indians upon that proposition. The question is one which in its relation to both the Indians and the Government demands careful consideration and wise action, and should be decided not on grounds of sentiment and ill founded theory, but on considerations approved by experience, attested by reason, and in accord with a definite and just policy.



## SIOUX TREATY CONVENTION AT PIERRE

Early in December, 1883, a delegate convention assembled at Pierre, to consider measures for the promotion of the pending treaty, Pierre being, because of its location, vitally interested in the success of the treaty. John R. Brennan, the pioneer of Rapid City, was elected chairman of the convention, and Turney M. Wilkins, formerly secretary of Dakota Territory, then of Miller, Hand County, was elected secretary. The principal business transacted by the convention was the appointment of a permanent committee to continue the agitation of the opening enterprise and do whatever it found necessary to be done to promote it. A memorial to Congress was also framed and approved, which embodies the object, sentiments and proceedings of the convention, and follows:

We, citizens of Southern Dakota, in convention assembled, would respectfully represent that the great Sioux Reservation, containing over forty-eight thousand square miles, is situated west of the Missouri River, and is a body of land extending from the southern boundary line of the territory, a distance of 240 miles northward, and from the Missouri River 200 miles west. The length of Southern Dakota from its eastern to its western boundary is 400 miles, and its whole western half, with the exception of the Black Hills, is given up to 24,000 Indians, who hold but do not occupy the same. In 1876 the country lying in the forks of the Cheyenne River was taken from the reservation by treaty, and, under the name of the Black Hills, has acquired a fame almost world wide on account of its great and wonderfully varied mineral productions and resources. The discovery of gold and silver in the Black Hills led to the extinguishment of the Indian title, and was followed by rapid settlement and partial development. In this development millions of capital became invested. In consequence a great commerce has grown up between the Black Hills and the East. All the Government lands in the eastern part of the territory have been taken up and settled by a thrifty, energetic people.

Southwestern Dakota is a treeless plain, without mines or timber. For its timber and fuel it must go abroad; for its timber it must go beyond the Missouri River; for its coal into Iowa, Illinois, Ohio and Pennsylvania. The Black Hills country is not only rich in gold and silver, but has coal in immense quantities that Eastern Dakota has to bring in at enormous freight charges. Its lumber it must now procure from Wisconsin, consequently the pine forests and coal mines of Western Dakota lie idle and unutilized, while upon the hardy pioneer of Eastern Dakota is laid the heavy burden of freight charges, because lying between these portions of our commonwealth is the great Sioux Reservation, trackless and pathless to commerce, save by wagon roads, over which is annually transported 100,000,000 pounds of freight, at the enormous cost of  $2\frac{1}{2}$  cents per pound, or \$2,500,000, to the consumers of the Black Hills. Twenty-four thousand Indians thus hold a domain larger than the most populous state in the Union, not using it for any purpose whatever. The great Sioux Reservation is not only useless to the Indians, but it is worse than useless to the white man. Were it sunk in the earth and covered with navigable waters the commerce around its borders would whiten its surface with the sails of a thousand vessels plying to and fro with the products of the West and the merchandise of the East. The Black Hills country, containing 7,000 square miles and one of the richest and most wonderful regions on the globe, has scarcely yet been touched by the hand of development. If the resources of the Black Hills could become available to mankind their productions would afford employment to thousands, and happy homes would spring up to convert a wilderness into a land of thrift and plenty. A million of cattle are pastured on the nutritious grasses of the Black Hills and its foothills, from which 300,000 were sent to eastern markets this year. The natural road to market for these herds is across this reservation, but the Indian refuses his assent, and prefers that the unused grasses shall illuminate the autumnal heavens with prairie fires. Thousands of the citizens of this common country, many of them old soldiers, are waiting to occupy by actual settlement all of the agricultural lands within the boundary covered by the treaty made by the Sioux Commission. On behalf of these thousands of honest, industrious but homeless citizens, whose only capital is willing minds and strong arms, we ask Congress to open to them the rich and fertile plains that now lie dormant and unproductive.

Resolutions were adopted endorsing the treaty made by the Edmunds Sioux Commission, asking Congress to ratify the same as it stood, or with such modifications as to compensation as Congress might deem just, also urging Delegate Raymond to give particular attention to the promotion of the measure before Congress.

This convention, before adjourning appointed a general committee to represent the people in any way whereby the purposes of the convention might be

promoted, the enterprise being looked upon as one of decided value to the entire territory. This committee was made up as follows:

L. S. Bullard, chairman; J. A. Ward and H. A. Horner, of Pierre; J. H. King, A. G. Kellam and John Lafabre, of Chamberlain; C. N. Van Hosen, of Miller; C. G. Clark, of St. Lawrence; W. T. Love, A. B. Melville and W. A. Lynch, of Huron; E. O. Parker, of Highmore; E. H. McIntosh, of Plankinton; W. S. Bowen, of Yankton; B. G. Caulfield, of Deadwood; A. J. Simmons, of Rapid City; J. V. Offenbacher, of Custer City; D. T. Potter, of Spearfish; Henry Gregg, of Lead City; P. E. Sparks, of Central City; J. C. Shurtz, of Sturgis.

At the time this Pierre convention was held, the agreement made with the Indians by the Edmunds commission was pending in the Senate. It had not been formally rejected, but it was clear that it was unsatisfactory because of its lack of three-fourths of the adult male signatures, and would not receive the sanction of Congress. Already there was agitation for a new measure and a new commission, which would probably be provided at the session of 1883-4.

#### CONFIRMATION DELAYED. INVESTIGATING COMMITTEE APPOINTED.

The treaty which had been made by the Edmunds commission was not confirmed by the Senate, it being alleged that the commission had failed to secure the signatures of two-thirds of the Indians, as required by the Sherman-Laramie treaty of 1868, and the Senate in order to ascertain the causes of this failure, which, however, had been explained in the commissioner's report, and to obtain other needed information of the condition of the Indians in Dakota and Montana, appointed a senatorial commission, composed of Senators Logan, of Illinois; Dawes, of Massachusetts; Angus Cameron, of Wisconsin; Morgan, of Georgia, and Vest, of Missouri, to visit the various Indian agencies during the summer of 1883, and make such an investigation as would disclose the attitude of the Sioux nation toward this treaty, and also elicit information on other matters, both in Dakota and Montana.

The purpose of this senatorial commission appears to have been to ascertain why and for what reason the Edmunds commission had failed to obtain a greater number of signers to their agreement. The senate was not disposed to ratify the treaty without a fuller explanation of this apparent reluctance of the Indians to sign. It was not inclined to act favorably on the explanation of the commissioners that they had sought only to procure the signatures of the chiefs and head men as was the case with the Black Hills treaty which was the latest precedent.

This senatorial commission visited the agencies, during the summer of 1883, which included the Pine Ridge, Rosebud (a son of Spotted Tail now chief), the Cheyenne, Standing Rock and the Crow Creek Agency, taking considerable testimony from Indians and also from white people; and concluding their visits the latter part of July, had adjourned to Omaha, where, by appointment, they met the members of the Edmunds commission, and were also waited on by a delegation of the Black Hills members of the first South Dakota constitutional convention held in July, 1883, at Sioux Falls, which had at that time begun its session.

The senatorial commission had made it a point in their investigation to probe the Indians' view of the agreement, and whether their dissatisfaction with it was due to the lack of signers. And here the Senate commission discovered that the lack of signers was not protested, and the only feature of the agreement with the Edmunds commission that was unsatisfactory was the price the Indians were to receive. This was to be expected. The Indians wanted all they could get, and it was their constant apprehension that they had not reached the limit in the negotiations had. A similar obstacle was met with in the efforts to make the Black Hills agreement under the Allison commission. The Indians were counseled by their pale faced friends, some of whom had linked their fortunes with them, to delay the termination of negotiations with a view of receiving better terms. The procrastination was quite successful.

At this Omaha meeting the day was spent by the senators in hearing the report of the Edmunds commission, the members being present with Mr. Hinman. This report was in substance a relation of the manner and the methods they had employed in the performance of their labors. Charges of deceiving the Indians had been made against the commissioners, and these were explained in a manner that convinced the senators that they were founded on nothing substantial. The senators having so recently been with the Indians and talked with them were the better enabled to understand the flimsy nature of the allegations. They were such as had been alleged following nearly all the treaties that had been made with the Indians. The senators seemed satisfied, after hearing from the commissioners, that they had performed their duties in a proper and commendable manner without deception, and that the Indians had full knowledge of the terms of the treaty.

Following the report of the commissioners to the senators, came a delegation from the Constitutional Convention of Dakota, then about to be assembled at Sioux Falls, consisting of Judge G. C. Moody, B. G. Caulfield, Major Kellam, A. W. Hager, R. C. Lake, and Porter Warner, three of them from the Black Hills, who presented the importance of opening the Sioux Reservation, urging as reasons therefor that until the reservation was opened the people of the Black Hills were practically cut off from intercourse with the civilized world. They had vast mining interests there that could not be profitably operated until railroads were built into the country, and that this would not be done until the reservation was opened for settlement. The people of Southeastern Dakota, also in Northern Nebraska, would be largely benefited by the opening of the reservation, which would give them access to vast deposits of coal, petroleum and salt, contained in the Black Hills, and which, under prevailing conditions, were almost inaccessible and worthless. There were also great forests of pine timber, which could be utilized if a railroad should be constructed across the reservation lands.

The treaty that had been made and was then pending in the Senate, had been postponed because of the representations of a number of "squaw men," the report alleged, who had represented to the Senate committee that the chiefs and headmen had been deceived, and they now made a demand for more money. The proceedings of this meeting dissipated such an impression from the minds of the senators, and it was expected that their report to the Senate the next winter, would result in the ratification of the treaty that had been made by the Edmunds commission.

#### REPORT OF THE SENATORIAL COMMITTEE

The action of the Senate regarding the Edmunds treaty was looked forward to with great interest by the people of Dakota, and it was known that its action would depend largely upon the report of the senatorial commission appointed to visit and confer with the Indians.

This commission of senators was known as the Dawes commission, and its report was not made until late in February, 1884, when it submitted a report with certain recommendations, requiring the securing of the signature of two-thirds as provided by the treaty of 1868, and other changes.

The Committee on Indian Affairs, of which Mr. Dawes was chairman, reported also a new bill, embracing all the features of the Edmunds agreement and altering certain items in that agreement to meet the wishes of the Indians as expressed to the Senate commissioners during their investigation in 1883. This bill also required that the signatures must be obtained forthwith, and following that event, the reservation would be thrown open by proclamation of the President, which must be made within six months from the date of the passage of the bill; which proviso was of itself sufficient, it was claimed, to defeat the measure. This bill passed the Senate in April, but no action was taken by the House. Another important change made was in giving the Lower Brules a reservation



north of White River, whereas the Edmunds agreement located them adjoining the Brule tribe at Rosebud, with a separate reservation in Gregory County.

#### TREATY INTENTION IN 1884

A delegation of Dakotans spent a large portion of the winter of 1883-84 in Washington urging Congress to take definite action in securing the opening of the reservation. Among these were Col. W. F. Steele, Barney Caultfield, Colonel Moody, John R. Wilson, of Deadwood; Col. John H. King and Edwin Van Cise, of Rapid City; W. S. Wells, of Pierre; Major Kellam, of Chamberlain; Mr. Luce, register of the land office at Deadwood. Delegate Raymond was confident that the Edmunds agreement would be ratified by the Senate, and predicted an early opening of the tract, there being a very favorable sentiment in the House, but the changes made by the Senate in the Dawes bill led many of the House members, who had favored the Edmunds treaty, to oppose a new proposition, especially one that would cost more. The House was democratic, was making a record for the presidential election, then pending, and unusual economy was a marked feature of legislation. And it might be presumed that unless a pressing emergency called for it, the House was not inclined to increase the number of Government officials to be appointed by a republican President at such a critical period in national political affairs.

The reader's attention is directed briefly to the active conditions in the settled portions of Dakota east of the Missouri River, beginning with the lawful opening of the Black Hills, but not assuming remarkable proportions until 1878. The wave of immigration that had its beginning at that time grew in volume for six or seven consecutive years, extending into 1885, bringing in an average of over fifty thousand population a year, or a total of 350,000. The railways came in and were pushed west and north and south during that period. The artesian basin was tapped in thousands of places. The gold fields on the western border yielded munificently, and the crops of the farmer mounted up by prodigious annual leaps covering scores of millions of bushels. And all this time the people were largely engrossed with the most exciting and momentous events, not the least of which was the removal of the territorial capital, the holding of a constitutional convention and the election in 1884 of a democratic President for the first time in twenty-four years.

Early in the session of the Fiftieth Congress, or about the middle of December, 1885, Senator Dawes reintroduced the bill presented by him in 1884, which was lost in the House—not being brought to a vote. The new bill differed only slightly from the former. The senator was a conscientious friend of the Indians, and he desired that they should be well and wisely compensated and provided for, and at the same time he regarded the opening of the reservation as proposed a demand in the interests of good government and the welfare of the white inhabitants of the territory. He was a legislative champion of the movement from its inception and steadfastly promoted it. He had modified the new law by leaving out the coal lands on the Moreau River. The new bill also contained a clause opening a large portion of the Winnebago reserve at Crow Creek, which might better have been entrusted to a separate measure. Delegate Gifford was working in harmony with Senator Dawes.

The Senate committee made a favorable report on this bill, on the 12th of January, 1886, and on the first of February the measure passed the Senate, and was sent to the House where only slight opposition was looked for.

The bill contained some features that were not satisfactory to the people of the territory, one being a reservation for the Lower Brules in the center of the proposed ceded tract facing the Missouri River. It was very similar in most of its provisions to the former bill, but sufficiently changed to demand amendment if it could be had in the House. The House, however, did not report the bill from the committee, believing that it was disrespectful to the President. Mr.



Cleveland had become President), who had recommended a commission of six to first make a preliminary investigation and report its findings to the Government. There does not appear to have been any effort made to raise a commission in response to the President's request.

The bill was pending in the House Committee on Indian Affairs during spring and summer, and while it was supported by the Dakotans who visited the capital, the division and admission projects, which wore an optimistic aspect, absorbed attention. The delegate, Mr. Gifford, pressed it to the best of his ability, and Hon. P. F. McClure, of Pierre, remained at Washington for the purpose of promoting the measure, and worked diligently and intelligently, but all to no purpose.

Concerning this bill, it was further stated by a member of the committee:

There were serious objections against the bill, though there does not appear to be the slightest objection to the clean-cut proposition to open the reservation; but there are collateral features incorporated in this bill that will provoke much discussion and perhaps defeat it. Such are provisions for securing land for railroad purposes. Such matters should be left for the Government of the United States to manage after it has secured title to the country. They do not concern the welfare of the Indian, and seemed out of place in the treaty agreement. The treaty should not endeavor to legislate beyond the simple proposition of a transfer of the land, and the amount and manner of payment, with the incidental agreement on the part of the Indian people that they will in good faith adopt civilizing customs and henceforth pursue an industrial life under the instruction and care of the Government.

## CHAPTER LXXXIX

### COMMISSIONERS FAIL TO MAKE AGREEMENT WITH SIOUX

1886-87

OPPOSITION OF THE INDIAN DEFENSE ASSOCIATION—FAILURE OF THE DAWES BILL—THE SHORT SESSION OF 1886-87—THE RAILROAD QUESTION AN OBSTACLE—THE LAST NIGHT OF THE SESSION—AN EXCITING SCENE—HOLMAN DEFEATS THE BILL—THE NEW CONGRESS OF 1887-88—THE JONES BILL IS INTRODUCED—DAKOTANS TALK TO COMMITTEES—INDIAN CHIEFS REFUSED A VISIT—PIERRE AND CHAMBERLAIN HAVE A CELEBRATION WHICH PROVES TO BE PREMATURE—BUT THE BILL WAS FINALLY PASSED AND APPROVED—PRESIDENT CLEVELAND APPOINTS A COMMISSION, WHICH ENTERS UPON ITS DUTIES AT STANDING ROCK—EXAMPLES OF INDIAN ELOQUENCE—INDIANS RELUCTANT TO SIGN TREATY—THE PRICE OFFERED WAS NOT SUFFICIENT—THE COMMISSION ACKNOWLEDGE FAILURE AT LOWER BRULE AND RETURN TO WASHINGTON—INDIAN CHIEFS MAKE A JOURNEY THITHER—INDIAN INTERVIEWS—HARRISON ELECTED—A NEW BILL FRAMED, PASSED AND APPROVED—INDIANS FAIL TO SEE THE PRESIDENT.

The National Indian Defense Association, of which the President's pastor, Doctor Sunderland, was president, had made a vigorous fight against the Dawes bill, and it was stated that they would appeal to the President to veto it should it pass the House. Doctor Sunderland based his opposition on the ground that insufficient compensation was offered the Indians for the land proposed to be taken.

At this time, April, 1886, it was asserted the House would pass the Dawes bill, slightly amended. And this was so confidently expected by the people of the territory that little thought was given to it, all interest being centered on the division and admission questions which were in their zenith. The House committee reported favorably but no further action was taken for two or three weeks when a motion to set apart May 27th for consideration of the bill, had been adopted.

At the same time came the first unfavorable indications contained in a statement that the members of the House in large part were of the opinion that the railway corporations were demanding privileges which the House would decline to grant. These corporations, it was asserted, wanted a 200 foot right-of-way across the ceded territory, with townsites a mile square opposite Chamberlain and Pierre, and stations on the Hills line not over ten miles apart. This gave to the measure an appearance of undue favor to corporations. The public mind at the time was becoming unusually sensitive on the corporation question, and political parties were beginning to point their fingers at each other during election campaigns and arouse the prejudice of the voter toward the party which could be proved to be deepest in corporation mire. In another week it was learned that the friends of the measure were very much discouraged. The time set for considering the bill, May 27th, had passed and not the least notice was given to it. It was said that it would not come before the House during the session. That the chairmen of the various committees of the House had held a meeting for the purpose of laying out the essential work that demanded attention before adjournment, and the treaty bill was not given a place. Hon. P. F. McClure and Mr. McManima, of Pierre, who were at the capital looking after the bill, became

satisfied that there was nothing to invite further efforts on their part, and came home. They felt that the House would pass the bill if it could be brought to a vote, and concluded to return to the siege again in December when the second short session would convene and endeavor to have a systematic organization that would give the treaty bill the right of way early in the session. An election for a new Congress would be held in the meantime, and members would feel more at liberty to act upon their judgment as to the merits of the measure after that event had passed.

And there was a decidedly hopeful feeling at the convening of Congress in December, 1866. The delegation from Pierre was there, and were aided by the Hon. Barney Caulfield, of Deadwood, a prominent democrat, and a former member of Congress from Illinois. It was then claimed that the most discouraging feature of the measure was the clause requiring two-thirds of the Indians to sign the agreement. This seemed to many as tantamount to defeat on the start—that Congress was willing to pass the bill but insisted on depriving it of all chance of success by requiring something practically impossible of securing. Representative Wellbourne, chairman of the House Committee of Indian Affairs, informed Delegate Gifford that he would not consent to the passage of the bill with a provision therein granting right of way to a railroad, and that it must be stricken from the bill. He also objected to the provision granting indemnity to the settlers on the Crow Creek Reservation who were ejected by proclamation of President Cleveland. This was quite discouraging to the territorial delegate, and he with other Dakotans in the capital apprehended that the bill would be kept back until near the close of the Congress and then so amended that it would have to be acted on by the Senate again, and probably thrown into a conference committee, where it would be held until the session expired on the 4th of March, 1887. The controversy in the House of Representatives relating to the contracts entered into between the Indians and the railroads for land on the ceded tract, appeared to be the only serious impediment to the passage of the Sioux treaty bill as late as February 1, 1887. Years before it had been stipulated by the Sioux Indians of the first part, and the Chicago, Milwaukee and St. Paul Railroad Company, and the Chicago and Northwestern Railroad Company, parties of the second part, that the two railroad companies should have the right of way through the reservation, the roadway to be 200 feet wide. Ten acres were to be sold for depot and station purposes along the line, and each company was to have a section of land on the west bank of the Missouri River opposite Pierre, and opposite Chamberlain. For all of this the railroad companies had agreed to pay \$5.00 an acre. This agreement or contract was at the time approved by the secretary of the interior, but it was subsequently discovered that this was not sufficient to make it legal, and that the approval of Congress would be necessary. Several attempts to obtain congressional sanction had proved fruitless, and now the contract was a part of the treaty bill awaiting the action of the House to make it a law. In the committee this clause had been opposed by LaFollette, then in the House, who thought the two roads should have only 100 feet of roadbed between stations, and a tract of 200 by 3,000 feet at every station for side track purposes. Finally Senator Dawes went to LaFollette and told him that he was certain the Indians would not give their consent to the bill as required, unless their agreement with the railroads was ratified by Congress. He explained that the bill gave the Indians but fifty cents per acre for all the lands taken up, under it, while if the railroad clause is retained the Indians will get \$5.00 an acre from the roads for all lands the companies take. The Indians regarded this difference as greatly to their advantage, and would look at a refusal to ratify their agreement with the roads as a plan to rob them, and would not agree to the treaty and would refuse to sign it. LaFollette, being a practical man, yielded, and withdrew his objections. But Wellbourne, chairman of the committee, was disposed to insist on an amendment that would give the roads only 100 feet right of way for their roadbeds, with station grounds as agreed. There was some opposition



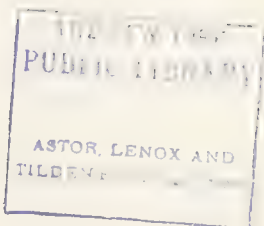
FALLS OF FALL RIVER, BLACK HILLS



A TYPE OF BLACK HILLS SCENERY, PENNINGTON COUNTY, WEST

Photo by Dakota School of Mines





on the part of certain citizens of Chamberlain and of Pierre to the clause giving the roads a section of land opposite their towns, apprehensive that the roads would use the lands for building up rival cities.

Congress would adjourn finally on the 4th of March, and the Sioux treaty bill was the last measure that was pressed for enactment. If it could be brought up it was sure of being passed, its friends claimed. Congress was in session all night. Springer was working for the bill, assisted by many democratic leaders. But one objection to taking a vote would prevent it. There was much excitement, and when 5 o'clock of the morning of March 4th came, the friends of the measure who had listened to a great number of brief speeches urging the measure became anxious and cries of "vote, vote," came from all parts of the hall. The speaker (Carlisle) then said, "The gentlemen from North Carolina ask unanimous consent to suspend the rules and pass the bill. Is there objection?" Then Holman, of Indiana, arose and said: "I think it's too late to attempt to discuss this." A number of members labored with him to get him to withdraw, and he appeared finally to yield, but when he did the House was again in a turmoil, everything was objected to, nothing could get consideration, and the speaker soon announced that the session of the Fiftieth Congress had come to an end by operation of law, and announced the final adjournment. Holman was held responsible for defeating the treaty bill.

At the opening of Congress in December, 1887, Senator Jones, of Arkansas, a member of the Committee on Indian Affairs, introduced a bill to provide for the opening of a portion of the Great Sioux Indian Reservation. The preparation of the bill was accredited to Hon. John H. King, of Chamberlain, who had taken great interest in the project from the beginning, and who saw decided advantages to accrue to Chamberlain as the result of a favorable outcome.

There was no bill before either House of Congress at this time for the purpose of authorizing a treaty for the reservation.

This Jones bill, as it was called, followed the general plan of former bills. It was claimed that it disfranchised all Indians from voting on its acceptance, who had been engaged in hostilities against the Government since the making of the Sherman treaty of 1868, which would rule out Red Cloud, Sitting Bull and that class. It retained the provision authorizing the payment of 50 cents an acre for the land. There were a large number of Dakotans in Washington during this session, endeavoring to promote the passage of the Division and Admission bills pertaining to Dakota, and early in January, 1888, a sub-committee on Indian Affairs of the Senate, Messrs. Dawes, Jones and Morgan, held a meeting to which they invited the Dakotans for the purpose of obtaining their views regarding the Jones bill and reservation matters generally. The Dakotans who attended this meeting were ex-Delegate Pettigrew, Col. G. C. Moody, John H. King, Delegate Gifford, ex-Congressman Kleiner, formerly of Indiana, then of Pierre, M. H. Day and E. A. Sherman, of Sioux Falls. Mr. Day attended as a representative of the Black Hills. Nearly all these gentlemen addressed the committee of the Senate, Messrs. King, Day, Pettigrew and Kleiner, especially; and Delegate Gifford advocated an amendment providing for reserving sections 16 and 36 for common school purposes. It was a harmonious meeting, there were no serious differences of opinion, and about one month later, about the 10th of February, Chairman Dawes, of the committee, reported the Jones bill with a number of amendments, which made it conform quite closely to the Dawes bill which was lost in the House at the previous session. The school sections were provided for, and only 50 cents an acre allowed for the land taken. It required the signatures of two-thirds of the adults, and no allusion was made to disfranchising those who had broken the terms of the Sherman treaty by turning their guns against the Government.

A similar bill was reported to the House about the same time, by Representative Peel, from the committee on Indian Affairs. In this bill the railroad clause of former bills was modified, virtually placing the amount of land that the rail-

road companies could secure for right of way at the discretion of the secretary of the interior, but providing a maximum limit. This bill was known as the Gifford bill. The House, it will be remembered, had already defeated two Senate bills for this reservation opening, by dilatory tactics, and Delegate Gifford was now trying a new plan which would look to securing the action of the House on a House bill, early in the session. He had discovered that a majority of the members of the House were in favor of passing the measure if a vote could be reached. Mr. Peel explained, in submitting his report, that:

A few minor changes had been made since the committee had decided to adopt the bill, which, however, would not affect its general purpose. The provision relating to the railroad right-of-way grants had been somewhat modified. After giving the companies right-of-way through the reservation in accordance with agreements already made, the bill left to the secretary of the interior the amount of lands which the roads should receive. The railroads must be constructed over the said lands and right-of-way within two years after the passage of the act.

Speaking generally, Mr. Peel said:

Notwithstanding the warlike habits demonstrated from time to time by the Sioux, culminating in the Minnesota New Ulm massacre, the Government has, for over twenty years, been dealing with them with a lavish hand, supporting them in idleness and keeping them in a great wilderness away from civilization on a reservation the extent of which is almost as great as Kentucky. The time has come when it is an imperative necessity, as an economical measure on the part of the Government, as well as for the prosperity of the Indians, that there should be a change. The Government is paying for the support of these Indians \$1,500,000 annually, and since the treaty of 1868 \$20,463,642 has been expended in their support. This support being supplied to them, there is little inclination on their part to support themselves or make an effort to take up lands in severalty. The country now occupied by these Sioux comprises 37,000 square miles, upon which the entire Indian population does not exceed 22,487, or one Indian to every 134 miles. The reservations proposed to be staked out by this bill possess the following dimensions in square miles: Pine Ridge, 3,832; Rosebud, 3,843; Standing Rock, 3,957; Cheyenne River, 4,536; Lower Brule, 745; Crow Creek, 446.

A careful estimate of the number of acres required of all lands to each of the Indians shows that it would not require one-fifth of the land reserved to make up the amount required. The Rosebud Reservation has the largest number of Indians. It takes about five hundred thousand acres to give them lands in severalty, while the entire reservation contains 4,252,800 acres of choice land.

The report, recapitulating the terms of the Edmunds Treaty of 1882, showed that it was signed by 410 chiefs and head men, besides about forty chiefs and head men at Crow Creek. The last item was recommended by the interior department, and passed the lower house of Congress in 1883, but was not brought to a vote in the Senate. In support of his recommendation for the ratification of this agreement of 1882, Mr. Peel said:

This agreement was signed by the chiefs and head men representing the tribes. It followed the agreement of 1876, when both the Indians and the commission were guided in making it by the precedent established by the act of Congress, approved by the President, in making the agreement of 1876, which construed and followed the treaty of 1868. The Indians have received and the Government has paid over sixteen million dollars under this construction, and on the basis of these acts these poor Indians are now entirely dependent upon the Government for support. We think it unwise to declare the precedents established invalid by adopting a different theory or rule from that already established and accepted by the Indians, and while it would be better for Congress to legislate for these people, yet these Indians, having offered this agreement, it is, we think, best to accept and approve it with the safeguards and additional provisions and compensations provided for in the bill reported. By the passage of this bill reported from the committee the Government not only allows the compensation fixed in the agreement, but provides an additional 50 cents an acre to be paid on all lands thrown open to settlement under the homestead law, which will make a fund of nearly seven million dollars. The boundaries fixed by this bill are those of the agreement of 1882, except as to the Lower Brule Reservation and a small strip of country contiguous up to Beguere Creek occupied by only a few Indians. The Indians are given their choice between accepting this tract for their reserve, or the one above, including the Big Bend, which, it was understood, they prefer. The committee

found that an agreement was already in existence between the two railroad companies mentioned, by which the companies are to pay \$100 per mile for each mile of right-of-way, and \$4 and \$5 an acre for land to be used by them in the construction of their lines and stations.

To fail to ratify this agreement of 1882 would be to deprive the Indians of several thousands of dollars of money, for on the opening of the reservation the railroads would be entitled to right-of-way for nothing from the Government under the general law, free of cost. Inasmuch as the opening of the reservation will render the Black Hills Region accessible to commerce, the committee recommends very early action on the bill.

Near the close of February, 1888, a large number of chiefs and prominent head men at Cheyenne Agency requested permission to visit Washington. They had probably learned of the pendency of the above bill or of the one in the Senate, which was a counterpart. The commissioner of Indian affairs refused to grant the permission. He did not want the Indians in Washington during the pendency of this legislation. Although the Cheyennes were reported to be in favor of the treaty for dividing the reservation, the Indian office at Washington had evidence to the contrary. They were under the Sitting Bull influence which was uncompromisingly opposed to the treaty in any form, and if they were in Washington the enemies of the bill would use them to defeat it. It was understood that the pending bill, both in House and Senate, would contain a clause providing that it should only be necessary to secure the assent of those Indians who had been faithful to the Government since the treaty of 1868, which would exclude Sitting Bull, Red Cloud, Gall, and nearly all the old chiefs and their followers. The commissioner explained that the whole opposition to the opening of the reservation now comes from the "squaw men," or whites with Indian wives, who have settled on the reservation and had become quite wealthy. It was to their interest to keep the reservation intact, and they have raised \$2,000 to pay the expenses of this Cheyenne party to Washington. Ex-Congressman Kleiner, of Pierre, in a speech to the Senate committee about this same time, referred in strong terms to the marriage of Douglas Carlin, son of an army colonel, to a full-blooded squaw, a daughter of a Cheyenne or Two-Kettle chief, who had 10,000 head of cattle pastured on the reservation. Kleiner told the senators that many such marriages had taken place, and it was that class of white men who were retarding progress among the Sioux, and fighting the allotment act and the division of the reservation.

That the Dakota Indians had no justifiable cause for apprehension regarding an abundance of land, the following statistics giving the number of acres in each of their reservations will show: Crow Creek, 203,307; Devil's Lake, 230,400; Fort Berthold, 1,012,000; Lake Traverse, 913,780; Old Winnelago, 416,915; Poncha, 90,000; Turtle Mountain, 46,000; Yanktons, 430,405; Great Sioux Reserve, 21,503,138, making a total of nearly twenty-seven million acres, or more than one-fourth of the entire area of the territory.

The House passed the Gifford bill on the 8th of March, and then the Senate considered it and passed it March 21st. It was then returned to the House for concurrence in the Senate amendments, and by some painful misunderstanding word was given out that the bill had passed, and on this slight but erroneous information, this statement was immediately telegraphed to Pierre, and also to Chamberlain. At Pierre the people were evidently waiting for the news, for they were all prepared for a celebration when the message came at 5 o'clock in the evening. A cheer went up that echoed through the length and breadth of the city, which was followed by the booming of cannon, then bands appeared upon the streets playing national airs, followed by cheering crowds. As the shades of evening fell bonfires were kindled on the summits of the sentinel hills that guard the exposed front of the city, and fireworks were now added to the joyful occasion, Chinese lanterns decorating every tree and many buildings. The women turned out in uniform bearing banners upon which were inscribed such legends as "There's a home over there," pointing across the river to the reservation. Another, "Dawes, Gifford, and the entire House and Senate fought our battles." The

Vol. II. 18



mayor of the city, Mr. Johnson, sent a congratulatory telegram to Senator Dawes at Washington, bearing this message:

Pierre citizens send sincerest congratulations on the passage of the Sioux Bill, regarding you as one of the chief benefactors of Dakota Territory.

Chamberlain was electrified by a similar announcement from Hon. John H. King, who was in Washington. The dispatch did not reach there until 8 o'clock in the evening, but the news "spread like wild-fire," according to the view of a large number of citizens. The bells were rung, and men, women and children, who had been waiting for years for this opportunity to celebrate, all with one accord rushed from their homes into the streets and to other homes, to shake and be shaken. Fireworks, bonfires, bands of music were soon lending their charm to the general rejoicing. Fourth of July orators thundered forth their eloquence, among whom Col. W. V. Lucas, J. M. Greene, and Doctor Duncan were deserving of honorable mention.

As stated, the bill had been returned to the House for concurrence in the Senate amendments, which the House refused, and a conference was ordered. This conference had considerable difficulty in coming to an agreement, consuming the remainder of the month of March and until about April 15th, in arriving at a settlement.

It was finally agreed to, and then doubts arose as to the position of the President, who had informed Senator Allison, who called upon him in reference to his action, that he "was considerable of a crank on Indian affairs," and gave him no definite assurance. The bill was not finally engrossed and sent to the President until the 19th of April. He sent it to the commissioner of Indian affairs for examination. It was finally approved late in April, though evidently with considerable reluctance.

This law was the second Congress had passed on this subject, the first being the Pettigrew bill of 1882. Two bills, known as the Dawes bills, had passed the Senate, as previously related, but had not been acted upon by the House. The law of 1882 was similar to a pioneer enterprise that had not been tested even experimentally, and left the partitioning of the reservation among the different bands, as well as nearly all the details, to the discretion of the commissioners. The first agreement by the Edmunds-Teller-Shannon commission, however, formed substantially the basis of the present law.

The Great Sioux Reservation was divided on nearly the plan provided in the Edmunds agreement of 1882, the Indians relinquishing nearly all the land embraced between the White River on the south and the Big Cheyenne on the north. The portion retained by the Indians was divided into five separate reservations, and these reservations were to be the permanent home of the Indians or tribes inhabiting them. A feature of the bill required the Indians of each of these separate reservations to relinquish all right of ownership or interest in the lands contained in each of the other reservations, thus making practically five distinct and separate reservations, each reservation belonging to the tribe or tribes named in the law. The law required that three-fourths of the male adult Indians, eighteen years old and upward, should sign the agreement.

President Cleveland, in July, 1888, appointed the following named commissioners to make the agreement with the Indians:

Judge Wright, of Tennessee, chairman of the Northwest Indian commission; Capt. R. H. Pratt, U. S. A., of the Carlisle Indian School, Carlisle, Pa.; Dr. Chas. H. Hepburn, of Carlisle Indian School; Rev. Wm. J. Cleveland, Madison, D. T. (second cousin of the President); Robert A. McFadden, of Amherst, Mass., secretary; Guy L. R. Stevick, Carlisle, assistant secretary.

The act of Congress divided that portion of the domain that was to be reserved to the Indians into five reservations, named respectively the Upper Brule, or Rosebud Reservation; the Ogalala, or Pine Ridge Reservation; the Lower Brule Reservation; the Cheyenne River Reservation, and the Standing Rock

Reservation—A reservation was also made of the old Crow Creek and Winnebago reserves on the east side of the Missouri River, opposite the Lower Brule reservation, while the Yankton Reservation was left undisturbed, but the Yanktons and Santees being members of the Sioux Nation, it was deemed necessary to get their consent to this agreement in order to avoid further complications. The Crow Creek and Yankton reserves were never a part of the Great Sioux Reservation, while the Yankton Reservation was left undisturbed under the treaty by the Yanktons in 1858. The Santees and Winnebagos who had been exiled from Minnesota during the Little Crow war of 1862 and were located at Crow Creek by Supt. Clark W. Thompson, but there is no record that it was ever withdrawn from market. That portion of the reservation south of White River was apportioned to the Ogallalas, under Red Cloud, and the Brules under a son of Spotted Tail, who had succeeded to the chieftainship held by his father. Each of these tribes numbered about six thousand. The boundaries of the new reservations will be found in the adjoining chapter under the Crook treaty.

The commission entered the Indian country by way of Bismarck, and began work at Standing Rock Agency on the 20th of July. From the information that had been received, unofficially, from the various agencies, there was a general apprehension that the Indians were averse to signing any agreement under the new law. The situation at Standing Rock, as the commissioners found it, was summed up in the following account sent from the agency, July 19th:

There is great excitement on the reservation and among the five or six thousand now encamped around the agency there are none who favor the treaty. Some of them say they are willing to listen to what the white chiefs have to say, and it is possible, but not at all probable, that the commission may be able to change the sentiment by explaining the details of the law. The law takes from the Indians about one-half their lands, or 11,000,000 acres, which is to be sold to settlers at 50 cents an acre. The fund, which it is estimated will soon be two or three millions of dollars, is to be placed at interest for the benefit of the Indians. Besides this one million is to be expended for farm machinery, etc., for the Indians who are to take land in severalty and live like white men. This feature is what Indians dislike. Some say they want to live like white men, but the majority say they want a hunting ground and they have been driven far enough by the whites. Some of the most noted chiefs of the Sioux Nation are now here to confer with the commission, among them Gall, Mad Bear, Big Head, Running Antelope and John Grass. Sitting Bull is out on a hunt, and as he has already expressed his opposition to the treaty, it is likely that his presence here tomorrow will not tend to lighten the task of the commission. The conference with the Indians will take place tomorrow. The Indians have selected several orators to talk, and will have their own interpreter also. They say they cannot always trust white men, and that all treaties heretofore have been broken.

The commissioners on the following morning explained to the Indians the treaty. They presented two papers for the Indians to sign. One was to be signed in black ink, and the other in red ink. The Indians soon learned to designate them as the "black paper" and the "red paper." The black ink was for those signatures that favored the treaty, and the red ink for those who opposed, but these Indians refused to sign either one. Nearly three weeks were spent at this agency holding councils nearly every day, and it was nearly the last of August before the commission concluded that they were not to accomplish anything at this agency. The Indians refused to sign either paper, fearing there was some kind of a trick to be played upon them. From here the commission had intended to go to the Cheyenne Agency, as it was the next on the route, but at the last moment changed their decision. They had learned that the sentiment at Cheyenne was hostile also, and that the feeling at Crow Creek was more friendly, so they resolved to tackle Crow Creek before venturing into another hostile camp.

As indicating the conditions at Standing Rock, after the commissioners had been holding councils for ten days or two weeks, a correspondent of the Tribune, at Bismarck, who was on the ground, relates this incident, which reflects the implacable nature of the hostility of the Indians to the proposition of the Government.

It was at a council of the Indians held during one night and lasted nearly all night.

Every one of their number over eighteen years of age was present, and speeches more earnest and fiery than ever were made by the chiefs. Gall, Mad Bear, John Grass, and other prominent spellbinders spoke, after which a vote was taken on the proposed acceptance of the treaty, and every dusky warrior shouted "No." Not satisfied with this, the most solemn scene of the week was enacted by every Indian taking an oath to the Great Spirit that he would sign no paper relative to the treaty—that he would sign neither the black paper, which meant "Yes," nor the red paper, which meant "No." The commissioners did not know of this when they opened the conference hopefully the following morning. All the Indians were present, including Sitting Bull. He was sullen and reticent, but he informed an interpreter that he would never consent to the signing of the treaty by any of his friends, and that he thought the proposition was all in favor of the white man.

After opening the conference, Chairman Pratt introduced Governor Church, governor of Dakota Territory, who arrived at the agency the evening before. The governor spoke to the Indians for thirty minutes, and delivered what was considered a very convincing and effective speech. He tried his best to convince the Indians that the treaty was for their best interests, and evidently made quite an impression upon their minds. Agent McLaughlin and President Wright then spoke, but their pleadings appeared to fall on deaf ears.

John Grass was the first Indian to make reply. He said, "Why do you want our lands? Have you not enough land for the white people? Look across the river (pointing to the opposite side of the Missouri). You will see a house here and there miles apart. Why do you white people not take that land and let us alone? You are not paying us enough for our land. Fifty cents an acre is not enough. Our land must be worth much to the white men, for when they first come here they are very poor, and after they have been here some time they are (pointing to the commissioners and the governor) dressed very well. I will not sign another paper."

Mad Bear spoke next, opposing the treaty forcibly. Among other utterances was this, which was regarded as significant: "I do not believe the Great Father's heart will be sad if we do not sign, and I will not sign." Sitting Bull made no speech, but said outside that he would not consent to opening the reservation. Red Cloud, the great chief at the Pine Ridge Agency, was industriously at work among the tribes, stirring up opposition and he could not be suppressed. Sitting Bull and Red Cloud were leading a movement to have a large delegation visit Washington and present their side of the case to the Great Father in person.

It was evident that there was concert of action among the Sioux tribes at the various agencies on this land selling proposition, which may have been instigated by white men. Red Cloud, though over two hundred miles away from Standing Rock, was regularly informed of the proceedings; their Indian couriers, on fleet ponies, were passing across the reservation to the various agencies quite frequently. If the commissioners knew of this they had not given it the weight it was entitled to. It was not that the Indians did not appreciate the advantages which the new agreement offered, that they opposed it, but they felt satisfied that they could obtain a much better price for their land, if they held their customer off until he increased the price, but the commissioners had no discretion in the matter of price. The Indians had set their mark at \$1.25 an acre, and the Great Father had offered but 50 cents.

Chief John Grass gave these reasons for his refusal:

The new act offers 50 cents an acre for all land to be relinquished by our ratification of the agreement, and this 50 cents per acre is made contingent upon the land being taken by homesteaders. From the character of the land, being chiefly adapted for grazing, it is doubtful if ever more than one-third of it could be taken under the homestead laws. As there is no provision for land not thus taken the few homesteaders would have the benefit of the large grazing ranges without cost, and the Indians would thus receive nothing. Furthermore, \$1.00 per acre clear of all expenses would be but a nominal price. Our treaty of 1868, by which we ceded large tracts, provides for a yoke of oxen and a cow for every family who locates upon land and commences farming, as well as \$100 worth of agricultural implements the first year, and \$25 a year for three succeeding years. We are nearly all located now and entitled to this, but the Government has not yet made any surveys to enable us to take out our certificates of allotment.

Nothing was accomplished at Standing Rock and the commission adjourned to Crow Creek. The commissioners were greatly delayed and did not open the



council at Crow Creek until about the 30th of August. The Crow Creek Indians were all at home, and eager to meet the commissioners, also opened the council with much ceremony. Rev. Mr. Cleveland, one of the commissioners, offering prayer, and at the request of White Ghost, prayer was also offered by an Indian minister, Davis Renville. Mr. Cleveland then explained the law to the Indians, using a large new map to illustrate his subject. He occupied several hours and assured the Indians that the present agreement was the best that had ever been presented to them and under it each individual Indian would acquire a larger individual tract of land than could probably be had under any other agreement.

On the third day, the Indians in the meanwhile having held several councils, the papers for signatures were brought out and the Indians requested to sign. Very strong appeals had prefaceed the presentation of the papers for signatures. Major Anderson, the agent, informed the Indians that the time for signing had arrived, and a great many were anxious to sign and return to their homes. White Ghost, a leading chief, here sprang to his feet and declared "he was not ready to sign, and would not do so." He was followed by a number of others who made similar declarations. Here an Indian named Bowed Head, dramatically sprang into the circle and delivered an urgent appeal to the Indians, substantially in these words:

You are my friends, and what I am going to say may hurt you, nevertheless I am going to speak. My friends, I am on a different path from some of the rest of you. I am not one of the chiefs sitting there, but I am a member of the tribe, and I want to make a plea for the children. I am not a bit afraid of you, because you are but men. The only man I am afraid of is the God in whom I believe. I want to save the young generation of this tribe. He that believes in the Great Spirit, and sweats for him, I believe in him. I am going to say a few words to you Indians. I am not going to act for my own personal good. I have no children, but I have grandchildren. I do not wish to impose on the rights of you chiefs who are sitting in front. No, my friends, I only look at it for myself, individually. You know my allotment. There is large, fine timber on it, four stacks of wheat and I have a self-binder. I feel that I am at liberty to say what I want to. If anybody is a friend of the Great Father, I thought you chiefs were his friends. Now, you chiefs have spoken of our forefathers and their graves upon the hill, and then I thought to myself like this: When our forefathers died, what had they accomplished for us? What did they do for us? I will tell you what works they left behind them. An old camp fire, where even now the grass does not grow, and old buffalo lanes that we can see on the prairies. That is all that is left of that work. We can see the old stones that they worshipped still piled up. Young men, do you wish your children to go in this way? You chiefs, my brothers, my cousins, my relatives, I pray you to have mercy on the young people who are beginning life and have no property to start with. I do not say these words because I speak to gain honor for myself. I do not say them because I expect the Great Father to remember me hereafter for it. Come forward, you chiefs, and set us an example. ("How," from the Indians.) We are waiting for you because you are chiefs (How) but if you do not come forward, we will go forward regardless of you. (How.) White Ghost, you are in poor health, and death is waiting for you every day. But I have something deeper than that to say to you. My friends, you may hate me, but I will tell you what is good. I know it is good. You may not think it is good, but I know that it is good. I have finished.

A young Indian named Williams then walked into the circle, and placing his hat gently on the ground, said that in the presence of older men he uncovered his head. He then made the most feeling and effective speech that had yet been delivered by the Indians, calling on them, if they loved their children, and wished them to become educated, made happy and prosperous, to come forward and sign the paper, and he then walked bravely up to the table, and regardless of all threats placed his name upon the paper. At this action the entire multitude of Indians sprang to their feet. For a moment a fearful silence prevailed. Then the friends of the bill, including the two chiefs, gathered about the table and those opposed quietly withdrew from the council. About sixty names were enrolled at this council, and about thirty more later on at the rooms of the commissioners. The commissioners were quite encouraged, and thought they would have little difficulty in completing their number. Two or three days later the commissioners went across the Missouri to the Lower Brule Agency, leaving their papers for signing with the agent at Crow Creek.



At Lower Brule a number of councils were held, and much opposition was discovered. Indian speeches were made and nearly all charged that the Government had never lived up to its treaty obligations. Among the Indian listeners was one called "Spotted Horse," who was a member of the Indian police force, a shrewd detective, and quite popular with the tribe. In replying to the charges that the Government had not fulfilled its treaty obligations, Spotted Horse said:

Now, we have been grumbling that the Great Father has not fulfilled former treaties. Well, now suppose the Government will sum up all the damage the Sioux Indians have done since the adoption of the Treaty of 1868. Why, it would take all that has been promised us to pay it up. All our personal property, yes, and our heads, too, would scarcely pay for the mischief we have done. It makes me ashamed to think of it. Why should the Government be so kind to us? What benefits are we to the whites that they should have fed and provided for us all these years? Now look at it fair and square. They don't ask us to pay the damage we have done, they don't even mention it to us, but instead they come to us with a better bill than ever, offering to feed, give us horses, cattle, homes and schools. If one of you had done the damage to me that we have done to the Government, and I had property of yours in my hands, of course I would hold it to make good the damage done. We have violated more of our obligations than the Government has, and now that the Great Father extends his hand and offers all these things, we should take it.

There was no rush toward the table by the Indians who were ready to sign, but there was a large number who signed and more were confidently expected. A hopeful spirit prevailed among the commissioners, who had concluded to move on to Cheyenne Agency at an early day, but the Washington authorities had concluded upon a change of plan.

Orders were received by the commissioners from the secretary of the interior to remain at Brule Agency, where a grand council was to be held on Saturday, the 22d of September, consisting of the Indian commission, all the Indian agents of the several Sioux tribes, and seven Indians from each agency. The purpose of the council was to influence the future course of the commission, and it was mentioned as a probability that the representative chiefs from each band of the various Sioux tribes would be permitted to visit Washington to confer with the powers at headquarters, though it was not plain how any change could be made in the law either at Washington or elsewhere, but the visit of the Indians was something that the leading chiefs had been for some months working for and it seems to have been deemed good policy to gratify them.

The grand conference was held at Lower Brule beginning on the 22d and lasting nearly a week, and while there was much oratory and explaining done, it transpired that the insuperable objection to the pending law and agreement was the price which the Government had fixed in the law, at 50 cents an acre, as payment for the land. This the commission had no authority to change. The Indians, however, practically admitted that the law otherwise was quite acceptable. They saw the advantage of having the reservation divided, and the partition of lands in severalty appealed to them, but the price was insignificant, and they finally made a straight proposition, offering to accept \$1.25 an acre for their land, and with that conceded, would sign the agreement. This much was gained by this council, which was attended by representatives from every band of the nation.

As nothing further could be accomplished under the present law, the Lower Brule having answered for all the nation, the commissioners returned to Washington and the Indians returned to their respective agencies. As Congress was then in session, it was thought by the members of the commission that the law might be modified to meet the Indians' objections, before it adjourned, and the agreement consummated during 1888.

The number of Indians who had signed at Standing Rock, Crow Creek and Lower Brule was 282. An understanding was had at the council that a certain large number of Sioux chiefs from each agency were to be permitted to visit Washington, and were to start forthwith in order to reach there while Congress was still in session. The Indians did not neglect to observe this item of the agree-



DEVIL'S TOWER AND HARNEY NEEDLES, BLACK HILLS

Photo by Dakota School of Mines



OGJALA INDIAN POLICEMEN AT PINE RIDGE AGENCY

1910-1911  
PUB. 1100-1101  
AS  
FILED

ment, and reached Washington very soon after the commissioners, for on the 12th of October, Rev. Mr. Cleveland and Captain Pratt, members of the commission, had an interview with the commissioner of Indian affairs to arrange for a conference between the secretary of the interior and the Sioux chiefs, seventy-two of whom had arrived in Washington the evening before. The Indians were also anxious to see the Great Father in person, but President Cleveland had not expressed a reciprocal desire to meet his red children. Congress was getting ready to adjourn, and such occasions put an extra burden of labor on the President. There were sixty-one extemporaneous orators among the seventy-two Indian chiefs, and every one of them had already entered his name for a speech before the Great Father, and Mr. Cleveland may have been informed of their intention.

The secretary of the interior, Mr. Vilas, represented the Government in these Indian affairs. He was not a stranger to Dakota, having been employed as counsel for the Capitol Commission and again by Governor Ordway in the case of his indictment for alleged wrongdoing in county seat matters. The President had turned the Sioux chiefs over to Vilas. They were having a pleasant visit at the capital and the Government was footing the bills. In the meantime it was discovered that the Indians were not agreed among themselves. The Pine Ridge and Rosebud element headed by American Horse and Swift Bear were opposed to making any treaty whatever at this time. They wanted further time to study the new law. But Sitting Bull and John Grass of Standing Rock were satisfied with the law excepting the price, which they demanded must be much advanced.

Their first official visit was to Secretary Vilas, October 10th. As the secretary took his seat, Sitting Bull stepped forward, and after shaking hands with the secretary and members of the commission, said:

My friends, I have but a few words to say. I call you my friends because I am one of your people. I belong to this Government. As we have our own views on this new law, we wish to speak to you as man to man. I hope everything will be done in a quiet manner. This is all I have to say.

John Grass, also of Standing Rock, sometimes called the premier of the Sioux Nation, was the next to speak, then followed Mad Bear, White Ghost and Drifting Goose, hero of the James River panic in 1879. The secretary then called a halt, and told them that their several speeches had been faithfully written down, and would be laid before the President, who would give careful consideration to the matter, and his answer might be looked for the following Wednesday. He hoped the Indians would be prepared at that time to say whether they would or would not accept of the decision, which would then be made known.

At the time set by the secretary the chiefs assembled at his apartments, and he gave them the President's answer, which consisted of a number of changes in the law, including an increase in the price from 50 cents an acre to \$1.00 an acre for all land sold within three years; 75 cents an acre for all land sold within two years after that, and 50 cents for all remaining. These changes would have to be made in the law, and the secretary required that the Indians should promise to ratify the agreement when such changes were made. The Indians were not ready to answer. The changes met their objections, substantially, except that instead of \$1.25 an acre they were to receive \$1.00. The Indians asked for time to go home and consult with their people, but the secretary said, "No, no, we must make some progress toward a settlement here. You must either signify your assent or we will end the whole negotiation. If you consent, the commissioners will go back with you and complete the securing of the signatures. We will have no boy's play."

The Indians held a council, they did not entirely agree, but they definitely decided not to accept of the proposition made by Secretary Vilas. This ended all



efforts to secure the opening under the Dawes-Gifford bill, as the act of 1888 was called.

It was considered too late to make any further effort to open the reserve under a new law, providing Congress could be induced to pass one, but those who were presumed to know the temper of the law-making body predicted that the next law would probably be framed in such a way that the reservation could be declared open without securing the two-thirds of the adult Indians to assent thereto.

#### REPORT OF INDIAN COMMISSION

The commission reported at length to the Washington authorities in December, after a half year spent in a vain effort to secure the consent of the required number of the Indians to a treaty. Their failure was complete, and they virtually acknowledged complete discouragement, and a wholesome loss of confidence in the Indians, materially, morally and intellectually. A brief extract from their report will best show their bent of mind toward the Indian, and their opinion as to whether he was capable of being improved by efforts to civilize him. Summarizing their report which embodied a comprehensive history of the Government's efforts to promote civilization among them, the report proceeds:

Stern and vigorous measures are from this on absolutely essential to a solution of the Indian problem. The first question to be settled is that of making these people self-supporting. A continuation of the practice of feeding and supporting these people in idleness, at the expense of millions of dollars per annum, will prove a needless burden upon the taxpayers of the country, and the ruin of the Indians themselves.

The Indians have willfully refused to comply with their treaty obligations, and the Government has, through considerations of humanity, continued to furnish them with rations, which it is not bound to furnish. The treaty terms allow the substitution of bacon and pork for beef, and in the interest of good health and decency, as well as to do away with the horrors which surround a beef-killing day at the agencies, it would be well to make the substitution. Pork and bacon would encourage the consumption of vegetables which sanitary conditions among the Indians demand should be fed to them.

The growth of Dakota and the increase of its population, which would entitle the territory to four representatives in Congress, were the territory admitted as states, demands an early settlement of the question. This reservation, larger than the State of Indiana, containing 24,000,000 acres, occupied by 23,000 Indians, stands in the way of advancement, of progress and of civilization. The Indians stubbornly refuse to give their consent to the opening of their lands, and believe they can continue to block up the way of civilization, at the same time feeding off the Government.

Under these circumstances the commission recommends that to facilitate the civilization of the redman and his progeny, the reservation should at once be surveyed, the Indians required under their treaty stipulations to take their lands by allotment and go to work upon them, the surplus land being sold off. That they should be compelled to send their children to school. That rations and annuities should be firmly withheld from those who willfully refuse to comply with these requirements. That all Indians complying should be given annuities and necessary rations and implements promptly. That all dealings between the Government, its agents, and the Indians, should be with them as individuals, and chiefs, as such, should in no wise be recognized.

The reservation should be opened to settlement so that railroads and other public improvements may be encouraged and the civilizing influences of the whites be felt.

After a full consideration of the question in all its lights, the commission is of the opinion that the consent of three-fourths of the Indians to the opening of the reservation can never be obtained, whatever the inducement held out. More than a fourth of them will always hold out against it. The advance of civilization demands that this great barrier be swept away, and the question is left with Congress as to whether arbitrary, but humane, steps shall be taken, and the problem solved.

Nothing further was done under this law.

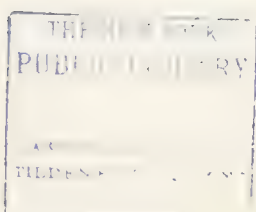
#### WESTERN DAKOTA, SIOUX TREATY

One-half of the proposed State of South Dakota was to be directly and materially benefitted by the opening of the Great Sioux Reservation, while the entire territory, north as well as south, would derive much permanent advantage. It brought the Black Hills and its vast fields of valuable minerals in direct connec-



OGLALA CHIEF, AMERICAN HORSE, AND GRANDCHILD.  
 DREN  
 AGAN TE WAS TE TUN KAN SUDAN

Photo by Oglala Light, Pine Ridge



tion with the eastern part of the territory, relieving that section of its social and commercial isolation from its kindred, and from the many public institutions in which they had acquired a large proprietary interest through the resources they had poured into the public treasury, and affording to the citizens of that western Eldorado a promise of bountiful reward for their efforts to move the advantages of their country known to the world, and secure for the superior natural attractions a wider acquaintance with the American people. It was claimed that Western South Dakota was less known than any other important section of the United States. People generally had a vague idea that it was a gold-mining country. The success of the treaty awakened a progressive optimistic sentiment and men began to speak more freely of the resources and many natural advantages of the heretofore underestimated region—men who had become acquainted with these through many years of domicile and much journeying through that section. It was learned from such sources, which claimed some knowledge of the soil, climate and water, that the soil was equal, if not superior, to the country east of the Missouri. The abundance of springs and creeks tributary to the many principal rivers, which had their source in the hills to a great extent, assured an abundant supply of water in case the natural rainfall should prove insufficient, while the climate was more salubrious. For the production of the finest grades of live stock, in quantity, it had proven an ideal region. Wheat, oats, potatoes, domestic fowl, an abundance of edible fish of the trout family, and all hardy fruits, including the varieties of berries which grow in great profusion and are indigenous. Apples are also cultivated and sold at a profit. In fact, it would seem that the western half of the territory would be able to supply nearly all its own wants, and will never lack money to purchase the few staples needed. But possibly its source of greatest and most permanent source of natural wealth was in its pine forests. There was enough of this to supply the wants of the mines for perhaps a generation. It is used somewhat wastefully in timbering the mines as they are developed, the lumber consumed at home is made from it and shipments have been made to Eastern Dakota in small quantities. This traffic, it was said, would grow as soon as the railroads across the ceded portion of the reservation were completed. But the pine area should be replanted, as the ground is denuded of its trees, which will insure a perpetual crop and supply that will grow more valuable commercially as time passes.

A description of the pine land covered in 1886 stated that the pine belt commenced at the junction of the south fork of White River with the main stream. There was enough at that point to supply the demand, while the great forests were just beyond in the hills—township after township, nothing but merchantable pine. The laws of the United States permitted the cutting of the pine by any of the inhabitants of the territory, but only for home consumption—for agricultural or mining purposes. The pine lands were supposed to be mineral lands, and were not subject to the pre-emption or homestead laws. No person can cut any more than he can use for building, fencing and other necessary improvements on his farm or in his town improvements, but there is no provision for replanting, and this should be provided.

The mining industry, yet in its infancy, and the agricultural and pastoral wealth of Western Dakota must contribute their full share toward making the Dakotas the greatest states in the Missouri Valley.

The failure of the Wright commission and its disconsolate report served to stimulate instead of discourage the advocates for the opening of the reservation. They claimed that Congress could now see that it was useless to expect to get the consent of two thirds of the Indians to any agreement, and therefore proposed to advocate the passage of a measure, just to the Indians, by declaring the portion of the reservation desired to be opened released from its Indian title upon the passage of the bill. Very soon after the report of the commission had been submitted to Congress, or about the 10th of December, 1888, duplicate bills were introduced, one in each House, providing for opening the reservation. The pro-



visions of the bills were similar to those already approved by one or both Houses, except that the price of the land was increased to \$1 an acre for a term of years, and then reduced to 50 cents. And a clause was inserted declaring "that upon the passage and approval of this act, all title and interest on the part of the Indians to the land described shall be released and extinguished."

A change of administration would occur in March proximo (Harrison having been elected), and the democratic leaders were anxious to get important pending legislation completed before the change occurred. The statehood omnibus bill was before Congress at the same session. The prospects for passing a new Sioux treaty bill, however, were looked upon as favorable. Chairman Dawes, of the Senate committee, would oppose the clause regarding the opening of the reserve without the consent of the Indians, but he was strongly in favor of the bill otherwise. The Wright commission, in its report, had declared that it was practically impossible to secure the assent of two-thirds, but this did not deter Mr. Dawes from insisting upon it, and he therefore introduced a bill in the Senate, a duplicate nearly of his former measures, declaring also that "upon the acceptance of this act by the Indians, all title and interest to the tract relinquished shall be extinguished." The Dawes bill further required that the bill should be accepted separately by each band instead of by the entire nation.

On February 15, 1889, the Gifford bill, as the House bill was called, passed that body, containing the clause declaring the act in force upon its passage and approval, but as the increased price for the land amounted to many millions in the aggregate, it was held that the Indians would be satisfied. That had been their only objection to former measures.

The House bill reached the Senate February 18th, and was referred, and reported to the Senate with many amendments February 24th. The amended House bill passed the Senate, and was returned to the House February 25th, and Senators Dawes, Platt and Jones named as conferees on the part of the Senate. The House refused to concur in the Senate amendments, and appointed conferees. The conference committee was not long in reaching a harmonious agreement, though Mr. Dawes had his way regarding the acceptance of the act by the Indians. The bill was reported to each House on the 28th of February, passed and sent to the President on the 2d of March, two days before the close of the session and of Mr. Cleveland's term as President. The bill was approved, and Congress had had its last experience with a Sioux treaty bill.

#### GIFFORD'S AMENDMENT TO THE TREATY

Early in December, 1888, Delegate Gifford introduced a bill for an amendment to the Sioux treaty law, proposing that the reservation be opened without the consent of the Indians, who should be given \$1 an acre for all lands taken within the first two years, 75 cents an acre for the land taken during the next two years and 50 cents an acre for the land remaining and not taken at the end of the first four years. It further provided that the Government make a deposit of \$2,000,000, instead of \$1,000,000, as a permanent fund, to draw 5 per cent interest, for the benefit of the Indians, and an appropriation of \$200,000 also made for surveying the land to be opened for settlement. The amendment failed of adoption.

## CHAPTER XC

### NINE MILLION ACRES CEDED TO THE UNITED STATES

1889

(Great Sioux Reservation—Concluded)

POINTMENT OF THE GENERAL CROOK COMMISSION—AT THE ROSEBUD AGENCY—  
INDIAN ORATORS—SUCCESS AT ROSEBUD—PINE RIDGE THE NEXT—RED CLOUD OP-  
POSED—CONSIDERABLE DIFFICULTY AT THE AGENCY—RED CLOUD AND SITTING  
BULL IN OPPOSITION TO THE TREATY—ALL THE OTHER AGENCIES VISITED—FINAL  
RESULT SUCCESSFUL—FULL QUOTA OF SIGNERS SECURED—ALL OCCASIONS STRIK-  
INGLY INTERESTING—RESERVATION OPENED BY PROCLAMATION OF PRESIDENT  
HARRISON—REVIEW OF THE GOVERNMENT'S EFFORTS TO MAKE THE TREATY—  
THE TEXT OF THE TREATY.

Gen. George Crook, U. S. A.; William Warner, of Missouri, a member of Congress and a prominent G. A. R. man, and the famous Charles Foster, of Ohio, were appointed commissioners to negotiate the treaty with the Indians for a portion of the Great Sioux Reservation under the act. The appointments were made in April, 1889, by President Harrison, and as this matter of a treaty had been pending for nearly ten years and had been the subject of more congressional action and more diplomacy, and had already cost in expenses an ample fortune for an ordinarily ambitious man, it was the intention of the Government that there should be no failure this, the third, time. The selection of General Crook was therefore quite fortunate, for he possessed the confidence of the Sioux Indians in a remarkable degree, and though he had been compelled to punish them severely in war, he had always treated them well and even magnanimously when they quit fighting and sued for peace and clemency. Crook, at first, was not inclined to accept the place, alleging that the duties promised to require such action on his part as would jeopardize his standing and influence among the red people, which he valued highly; but considering the probability that there would be no more Indian wars of any magnitude, he concluded to take the place and use his efforts for the benefit of both his country and the aboriginal inhabitants of it. This third effort was finally successful.

If any evidence was needed to confirm the progress the Sioux Indians were making in civilization and the ways of the white man it was furnished quite satisfactorily by the experience of the Government in its negotiations with Red Cloud, Sitting Bull and a host of others equal to them in trading ability. The Government realized that the Indians would be required to release the land, but their welfare and the interests of the white people who would settle on this tract in proximity to the remaining reservations was best subserved by permitting the Indians to feel that they had had abundant opportunity to make the best bargain possible; and the Government was moved to allowing a liberal price from the fact that it would have had to furnish the Indians, in any event, with subsistence, clothing and farm implements and instructors and scores of expensive details during their probationary years while they were acquiring the rudiments of a self-supporting industry, so that whatever it agreed to give the Indians for this tract was not, relatively, an important item. The main purpose was to induce the Indians to the transfer of the land, and have them

understand at the same time that they had the best of the bargain, which in fact was the case.

Congress had authorized this agreement, or some agreement for the purchase of the land, in 1882, nine years before. The difficulty had been to get the written consent of two-thirds of the adult Indians. This was a requirement which formed an important provision in the Sherman treaty of 1868, but it had been ignored in 1876, when the Black Hills were purchased, and the chiefs and headmen were the only signers; but that agreement was made, it was said, practically at the point of the bayonet, and while the echoes of the battle on the Little Big Horn and the awful slaughter of Custer were reverberating over the Sioux Nation, the Indians realized this, and rather welcomed the occasion when they could do something to placate the revengeful feeling which that terrible tragedy had aroused throughout the country.

The letter of the law was to be observed in this later treaty, and the Indians knew the treaty provisions would be fulfilled, and made the most of the advantage which this important requirement gave them.

The Government aimed to do what was best for the Indians. The tract which the Government sought to purchase and which was needed to accommodate the growing needs of the country was one the Indians had never occupied or used for any purpose. It was not regarded as the choicest portion of the reservation by the white people; but the railway development of the territory demanded access from the Missouri River to the Black Hills, which could be had at the time only across this tract, and that portion not needed for wagon thoroughfares and railway villages would relieve the pressure of immigration.

It would be a grievous error if we should assume that the Indians did not understand the law under which this treaty was made, and that they were not well acquainted with its provisions. In all its principal and important features it had been before them for at least seven years, and through their principal men, called their chiefs and headmen, had been solemnly agreed and assented to by them. It had during the intervening years been the subject of much conference and again presented by a commission with such modifications as they had demanded for the purpose of securing the requisite number of signatures. During all this time the Indians had discussed it in their councils, and sent their delegations to Washington and rehearsed it with the Government officials, and had succeeded in having its provisions made to agree with their demands as far as it was practicable and as far as the welfare of the Indians would permit. Had the Indians themselves been capable of drawing the treaty they could not have improved it in their own substantial interests. It was with this belief that the Crook commission entered upon their mission of procuring the assent of the Indians to the document, backed by a determination to succeed.

This commission inaugurated its work at the Rosebud Agency, where rations were furnished to about eight thousand Sioux. It was the most populous of the Sioux agencies, and probably the one where the least opposition might be expected, but it was important that the first effort should be successful because of the beneficial effect it would have upon the Indians of the other agencies who would be visited later.

On the 4th of June the negotiations were opened at Rosebud in a formal manner by the reading of the law to the Indians, who received it through interpreters that were satisfactory to them and usually of their own choosing. After hearing the law the Indians asked for time to consider it, which was conceded. They called a numerous council, which was not held until the 6th and which lasted all day. Over thirty chiefs and headmen made speeches at this council, which proved to be a warmly contested affair and from which white men and newspaper reporters were excluded. The newspaper reporters went everywhere, and being excluded did not prevent them from obtaining a substantial account of whatever transpired. From the Associated Press correspondent, who was favored with authentic reports, it was learned that:





BONES ON THE BATTLEFIELD OF THE  
LITTLE BIG HORN WHERE CUSTER  
MADE HIS LAST STAND



PRISONERS WAVING CUSTER'S BATTLE  
FLAG. BATTLE OF SLIM BUTTES,  
HARDING COUNTY

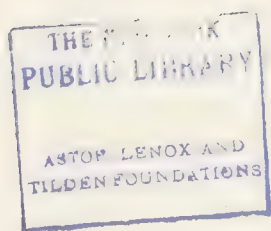


SIUX PRISONERS CAPTURED AT BATTLE  
OF SLIM BUTTES



SOLDIER TAKING WOUNDED COMRADE  
FROM BATTLE OF SLIM BUTTES





The leading orator for the bill was Crow Dog, the chief who killed the great chief, Spotted Tail, and who was convicted of murder in 1881 at Deadwood, but was afterwards released by a decision of the Supreme Court, the incidents of which are fully related in another chapter of this work. Crow Dog's speech, according to the opinion of the intelligent half-breeds and Indians who talked of it, was the most powerful argument ever delivered by any Indian on the reservation, and had great weight.

On the side against the bill was Yellow Hair, a natural born orator. It was this Indian, in the great council in October, 1878, who tried to depose Spotted Tail from being head chief of the nation, and assume the place himself, but was defeated by a vote of 166 for himself to 261 for the able and crafty "Old Spot." The council was far from being a harmonious one. There was an opinion that the letters of Mr. Bland, editor of the Council Fire—the organ of the Indian Defense Association—to all the squaw-men, half-breeds and leading Indians, appealing to them, under no condition, to sign the bill, particularly complaining and misrepresenting the school clause had much to do with the disagreement among the Indians. Bland had contended that in the treaty of 1868, the Sherman treaty, schools were guaranteed in any case, while, in the present bill, schools and other things were to be paid for out of the money realized on the present sale of lands, leaving about four million dollars, instead of the entire sum.

Doctor Bland represented an association called the Indian Defense Association and was quite officious in opposing the treaty, alleging that it did not treat the Indians justly. There was another association called the Indian Rights Association that favored the treaty, which was headed by William Welch and others, and by nearly all the missionaries. Bland proved quite a disturber. Secretary Noble, who was at the head of the Interior Department, spoke of him after this fashion:

I am sorry any notice has been taken of Bland or his kind. I don't have to treat with these men. The President has named honorable men to treat with the Indians, and I would far rather stake my country's honor and integrity with such men as General Crook, Mr. Foster, and Mr. Warner, than with the men who set themselves up as guardians of the Indians' rights like the men who are now undertaking to thwart the settlement of an important question. This Mr. Bland came into my room when I had been in office only ten days, and demanded my Indian policy. He began asking questions, but I shut him off quickly, telling him I did not recognize his right to catechize me, and as for my position on public matters, I would declare that to the proper people at the proper time. Since then he and his associates have been pitching into me, but I don't pay any attention to them.

There had been a council of the mixed breeds and white men who had married Indian women, the commission having decided that white men incorporated in the Indian tribes up to the present time would have the right to vote, and this council at Rosebud was almost a unit in favor of signing the bill.

The commission gave the Indians a big feast on the 7th, of twenty beeves, knowing that they were never so good natured as when their stomachs were full. It was one prolonged picnic to a majority of the red people, and the throng here was daily treated to Omaha and squaw dances, feats and races, the younger preferring to enjoy themselves and leave the quarreling to their elders.

In the big council held the third day the leading chiefs who spoke against the bill were Yellow Hair, who thought the Government had broken the treaties of 1868 and 1876, but he said that he believed General Crook to be a friend. Two Strike, High Hawk and Little Dog also spoke in opposition, declaring that they were not getting enough for their land, and it would not be best to curtail their reservation, as they had now plenty of room to range their stock.

The leading chiefs who spoke in favor of the bill, some of them being particularly eloquent and original, were Swift Bear, He Dog, Standing Bear, High Pipe, Good Eagle, High Lance, Hollow Horn Bear, Crow Dog, William Spotted Tail, Bear In The Woods, Red Rose and Fast Bear. Several of these were opposed in the former council, so the tide was turning.

At the conclusion of this council it was agreed to meet the next day, and all those in favor of signing the bill should begin to do so, and those not in favor should meet in a separate council. The most convincing speech made during

the day had been that of C. P. Jordan, the licensed trader at the agency, who was a brother of Col. H. W. Jordan, of the Ninth Infantry, and a cousin of the late Gen. George A. Custer. He had been chief clerk and acting agent at Red Cloud and Spotted Tail agencies since 1874, and though comparatively young, he had more influence with the Indians than any other white man on the reservation. He had exerted himself in efforts to secure a successful issue of this negotiation. Here follows the substance of his speech:

My friends and relatives, you are now in a position to place yourselves in a good condition, and secure for yourself and children the protection of the Government in your land allotted to you under this act. Four of my children were born here, and I could not look you in the face if I advised you to your disadvantage. Three Stars (General Crook) will allow you ample time, and I see not a reason for not accepting. These gentlemen would not bring this bill here if they did not think it for your interests, and in accordance with what your representatives asked in Washington last winter. The white people will not regard you for rejecting this bill, when the price was fixed by yourselves. Next year there will be eight more in the council of the Great Father, and I fear they will make laws which will not allow you as liberal terms, and besides you will lose the friendship of these people and those in the East who have been your friends, for they cannot know why you reject this bill. In this country there is only power by votes, and when a people can vote they can help make laws and thus protect themselves. When you take lands in severalty, you take the first step towards securing this power to protect yourselves by vote. I want you to seriously consider this matter, and not allow this commission to leave without your signatures. You are not supposed to be more intelligent than the mixed bloods and men intermarried among you. They accept this bill and want you to do so also.

The Indians began signing the agreement about the 8th or 10th, and on the 12th 1,028 signatures had been secured, and as 1,040 would be absolutely required from Rosebud, success was assured. The number to be obtained at the different agencies to ratify and confirm the treaty, in addition to the 1,040 at Rosebud, was 946 at Pine Ridge, 825 at Standing Rock, 563 at Cheyenne River, 230 at Lower Brule and 212 at Crow Creek. On the 14th the number required at Rosebud was completed, and the most difficult part of the work was thought to be over. The proceedings at Rosebud had been regularly reported daily by Indian runners to Red Cloud's people at Pine Ridge and to the tribes at Cheyenne and Standing Rock.

One of the difficulties at Rosebud was the estrangement that existed between the older generation of Indians and the young men. This was something new, the young Indians as a rule holding the opinions of their elders in great respect and veneration, and largely deferring to them. But on this occasion the young warrior class decided to take the lead, and they favored signing the bill, while the elder class were in an undecided state of mind and still urged delay. General Crook, who knew the Indian character quite well, took advantage of this situation and kept the petition open for signatures after he had started it, and the ranks of those waiting to sign were practically well filled with signers until more than the requisite number was obtained. The other members of the commission gave Crook great credit for the skillful manner in which he handled his part in the affair. Chairman Foster, speaking of the success they had met with, said of Crook:

That is a wonderful man. It is my opinion that a better man than he to deal with the red men could not have been found on the globe. We never know what move he is to make next, but when he gets ready to do anything, success always attends his efforts.

The commission went from Rosebud to the Pine Ridge Agency, the second largest, where Red Cloud presided, who was spoken of as the most famous, together with Sitting Bull, of the entire Sioux Nation. Just what position Red Cloud would take was not known, as he had kept his own counsel for some time, but it was known that he would have a powerful influence with his people. Red Cloud was a man of superior intelligence, and had he been a white man and among white men he would have been known as an excellent politician.

Red Cloud had visited Rosebud while the commission was there and had had an interview with General Crook and with no one else, and whatever transpired between them was kept from the people.

At Pine Ridge the commission found Red Cloud in a surly mood and opposed to the treaty, and the feeling among the Indians quite discouraging. The Indians held a number of councils, ostensibly to agree upon a more favorable attitude, but without accomplishing anything, though as the days passed the commission went forward with about the same program of procedure followed at Rosebud, and succeeded in securing about three hundred signatures the first week. A band of the Cheyennes were at Pine Ridge and expressed a wish to sign, which was permitted. About the 25th of June Governor Foster was sent over to the Santee Agency to procure the signatures of those Indians, they having sent word that they were all agreed for the bill. General Crook and Warner remained at Pine Ridge, satisfied that the sentiment of hostility led by Red Cloud could be largely overcome. The big councils were discontinued, they having become of a fault-finding character, where the hostile feeling was fanned by talks of the violation of former treaties and bad faith of the Government. They were controlled by Red Cloud largely, notwithstanding some chiefs took issue with him, Young Man Afraid Of His Horses, who possessed influence, Little Wound and High Wolf came over to the side of the commission, which indicated success if the commission persisted, and this General Crook was prepared for. Red Cloud's influence was recognized. He had lost none of it, but it could be overcome by quietly working among the people and explaining the advantages of the terms offered by the Government. The Indians were urged to think and act for their own interest, and not be governed by any past transactions.

There were about fifteen chiefs at Pine Ridge, including Red Cloud, who openly opposed the bill. American Horse and No Flash were in favor of signing, the latter saying he should sign no matter who objected, and if anyone tried to prevent him he would make them cry. Old Man Afraid Of His Horse, former great chief, said he was too old to control his young men, whom he wanted to think for themselves.

The commissioners were agreed that Red Cloud and Sitting Bull at Standing Rock were working together to defeat the treaty, and realized that success at Pine Ridge was important not alone for that agency, but also for its beneficial effect at Standing Rock and Cheyenne, and hence they gave frequent "big feasts" and kept the Indians in good humor.

After long counseling among themselves the Indians held a general council, to which they invited the commissioners. American Horse, No Flesh, High Wolf and Swords, captain of police, were the principal speakers. American Horse opened the council by a number of questions to the commissioners, in which he said:

My friends, I don't understand some things in this bill. I wish you to tell us in plain words about them, so we can understand. How long will the \$3,000,000 deposited to our credit bear interest before the principal is to be distributed?

General Crook: "It is to remain fifty years, and the bill provides that in addition to the ten per cent the Great Father may spend to per cent of the principal to purchase goods for the Indians after a time. This is to be spent in buying teams, implements, and things to allow you to go on farming."

American Horse: "Will everyone have equal rights, or will there be any specified amount for each to receive?"

General Crook: "The entire amount will be divided by the whole people, in fifty years."

American Horse: "After all our lands are surveyed and each Indian has taken his land in severalty, will the balance belong to us in common or will other Indians own the surplus?"

General Crook: "The surplus will be owned by all the Indians on the reservation in common, as it is now owned by you here."

American Horse: "I ask the question for the reason that there are two classes of Santees, and they may be brought in here and given our land. We owe them nothing and



they have no right here. They have sold their land and have no right to ours. Will they be entitled to pay?"

General Crook: "The Santees have no right to your land, but they have a share in the permanent fund. They must take their allotment in Nebraska in their present reservation."

American Horse then repeated that the Santees had no right there, but as they had traded their land and become poor, the Great Father had taken pity on them. He then asked the commission to strongly recommend that their educated children and halfbreeds be given the places on the agency which draw a salary, and that anyone incorporated in the tribe be allowed to trade and not let the rich men come in and rob them.

The traders and others furnish everything and we have no market, so we sometimes grow discouraged. When we take our land in severalty we can raise everything to supply the agency. Will the Government give us a market to sell our goods?

American Horse and the others were then informed that the bill pledged in the allotment law to assist in finding a market for their crops, and there was no reason why the grain and beef should not be raised by the Indians and sold to the Government.

Several complaints were then made that hay had been purchased of white men instead of Indians, and the inferior beef received. The annuities and the bad condition of the clothes sent them were so put together that it made it almost impossible to wear them. Said one:

The farmers sent do not know their duties, and it seems as if some of them had never seen a plow, and if we complain they ill-treat us. We want them taken away and the places given to our practical half-breed farmers who can teach us how to farm right. I believe the bill is right and will start us on the road to prosperity, but there are other chiefs above me and I want them to sign first, so I will not belittle them by signing before them.

The commission promised to recommend to the Government that the changes asked for be granted.

Afraid Of Bear then addressed the commission at some length. He said there was one road to prosperity, and another to misery. He favored the bill because it was the prosperous road, but was afraid it might turn into the road to misery if the promises made turn out like those of the past, particularly of 1876.

Crook then said:

We now come to you with a bill that all your people can read. I have been with the Indians all my life, and no one knows better than I the wrongs they have had to suffer, and I do not blame you for your distrust in the past. But this bill you can all read and fully understand.

This council had a good result, and after it adjourned a number of the people signed, bringing the total number of signatures up to more than five hundred. But this was about all that could be obtained from the Indians at the agency. There were 250 absent with the Buffalo Bill shows who would nearly all sign if present, and the commission concluded, a day or two later, to leave Pine Ridge as soon as their special car was returned from Niobrara, where it had gone to take Colonel Foster to the Santees. It had been hoped to break the strong combination against the bill, but it had been discovered that a possible secret and powerful influence had been exercised upon the Pine Ridge bands. General Crook frankly acknowledged that it was one of the most puzzling and unsatisfactory cases in his Indian experience. It had been ascertained that on his return from Washington, previous to the arrival of the commissioners, Red Cloud had called a secret council of the leaders and succeeded in having them pledge themselves in the most solemn manner to work against the bill. He also wanted to leave \$12,000 out of the \$28,000 he was to receive from the Government for his confiscated ponies to give to Doctor Bland of the Council Fire, as



JOHN A. PICKLER

Legislator and pioneer of Faulk County



FRANK M. BYRNE

Pioneer of Sully County, lawyer and legislator



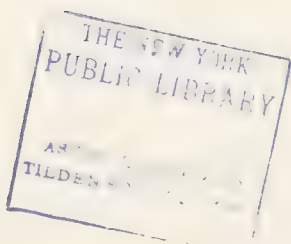
CHARLES H. BURKE

Pioneer of Hughes County, 1882



EDWARD E. TAUBMAN

Pioneer of Brown County



his share for helping to get the pony bill through Congress, and also to pay for efforts to defeat the treaty bill, which were not successful, however. He also wanted to pay \$14,000 to W. J. Pollock to become attorney for all the Sioux, wanted two couriers with petitions to be sent at once to the different agencies to obtain the signatures of the headmen to such an agreement. But Red Cloud's band had objected to his proposed disposition of the pony money on the ground that the other Indians had not lost their ponies. The money belonged to them and it had nothing to do with the land. Pollock, former Indian inspector, was working with Red Cloud. He was not present, but in a letter to Red Cloud he had stated that as their attorney he would keep their reservation intact.

In the meantime the Indians at Lower Brule, Standing Rock and Cheyenne, and also at Crow Creek, were rather anxiously awaiting the coming of the commission to their respective agencies, some of them with a determination to oppose and others just as earnest in support of the treaty. Not much opposition was expected at Crow Creek or Lower Brule, and the condition at Pine Ridge growing monotonous and painfully slow to a man of General Crook's active temperament, it was decided, about the 28th of June, to place the bill for signatures in the hands of the agent, who was to continue the work of proselyting from the ranks of the opposition, while the commission journeyed to the Missouri River agencies, designing to return to Pine Ridge if necessary. They accordingly broke camp and reached Chamberlain, nearly opposite the Lower Brule Agency, and within easy reach of Crow Creek, July 1st. The Lower Brule Reservation was situated on the west side of the Missouri River from a point a few miles above Chamberlain up to the mouth of Medicine Creek, a few miles below Fort Pierre.

Governor Foster found affairs in excellent shape at the Santee Agency. The Indians held a council immediately after his arrival, and the governor explained the particulars of the bill as it related to the Santees. Two or three of the chiefs present made remarks, all in the most friendly spirit, praising the Government for its generosity and considerate regard for their welfare. About one hundred and fifty signatures were obtained the first day and the remainder, about one hundred, would be obtained as soon as the Indians could be seen. The Poncas had been ordered to report to the Santee Agency, and they had not then put in an appearance. The Poncas were not Sioux, but they had a reservation at the mouth of the Niobrara, covering about fifteen townships, and they were provided for in this bill.

The agent, Mr. Hill, was quite favorable to the treaty, and Commissioner Foster, anxious to join the remainder of the commission who were on their way to the Lower Brule Agency, left the procuring of the remainder of the Santees to the agent and rejoined General Crook and Colonel Warner, and the party reached Chamberlain, on the Missouri, July 1st, and lost no time in crossing over to the Lower Brule Agency, where they found the Indians in a friendly mood, but not united in favor of the bill. A council was held July 3d, at which the Indians and the commissioners were present.

Iron Nation spoke and said he was head chief and leader of the tribe, and that he would sign the bill and his people would follow, but he would like the commissioners to read the bill again so that all could understand it.

This was done, and then General Crook said:

Now that you are willing to sign, you had better sign this afternoon. To-morrow will be the fourth of July, and the fact that the Indians of Lower Brule have signed will be telegraphed all over the country. All their friends would hear the news and be pleased.

After a few questions had been asked regarding the agreement, Iron Nation again addressed General Crook, and said:

Three Stars, I am going to sign because you tell me this is a good bill, but before I do I want your promise to be a good friend to the Indians here. We want to remain on the White River, and wish you to tell the Great Father.



Left Hand Thunder endeavored to check the movement, but was unsuccessful. Iron Nation signed first and was followed in the order of rank by the other chiefs. The conversion of Iron Nation, Little Pheasant, Dead Band and Surrounded, the leaders of last year's opposition, was a triumph hardly equaled in the record of Indian negotiations. The result was the commissioners secured 260 of the 300 male adult Indians. They had now from the different agencies visited, not including the Santees, who would all sign, at Rosebud, 1,125; at Pine Ridge, 530; Lower Brule, 260; in all about 1,915 out of the 4,100 required.

From Lower Brule the commission again crossed the Missouri and halted at the Crow Creek Agency, where they were required to get 212 signatures. They reached the agency July 8th, and the same afternoon held a long council with the Indians, which disclosed considerable opposition, the principal ground of dissatisfaction being that the Lower Brules would get nearly double the quantity of land per capita than would be given to them at Crow Creek, their allowance being about two hundred and sixty acres per head, owing to the limited size of their reservation. This objection was regarded as quite a serious matter. There was much disappointment at the sentiment encountered at this agency, which had been represented as not only friendly but anxious to sign. This was not the case, and after a couple of days spent in counseling General Crook expressed himself as not hopeful of success. He said to a friend in his party:

There is too much of the usual Government Indian policy in this treaty. Out of seventy-nine townships of land held by these Indians, they are asked to concede all but twelve townships, and these are not the very best in quality. Should these Indians elect to take up their lands as grazing lands, there would not be enough to give the allotted number of acres to each. This is not justice to these Indians, for their near neighbors, the Brule Indians, under the same agent, have a much greater number of acres set apart for them, and after allotment in severalty will have a large surplus left in common. The case is the same with the Rosebud and Pine Ridge Indians. The Indian's character is so constituted as to yield readily to all evil influences, rather than good. Another peculiarity of the Indian nature is that when you ask him to do something for you, he should be paid for so doing because you request it. It is this peculiarity with which we have to contend, though there was some other very powerful influence at Pine Ridge, which we were unable to discover. At Pine Ridge the talk was made as against the boundary line question, while the real objection lay beyond and outside this question entirely. During all my talks with Young-Man-Afraid-Of-His-Horses and Little Wound, both of whom have done much, they would tell me that they thought the bill good for their people, but when asked why they would not sign, they were silent. One thing may be written as a maxim of the Indian public councils, and that is that the complaints made there do not touch upon the real matter at issue at all. These Indians have been tampered with by the Doctor Bland's Indian Defense Association, and they listen to him rather than to those who they should know as their truest friends. I have an intimate acquaintance with some of the members of the Indian Rights Association, and I know that they have the best interests of the Indians at heart, giving time and money for their good, yet the Indians will listen to Doctor Bland and his rival society rather than the Boston society.

Another council with the Crow Creek people was held in the afternoon of the 8th, but there was no attempt to put the work of signing before them. The principal speaker, White Ghost, talked, mentioning the Santees at Flandrau, whom the Crow Creek Indians believe have no rights under the treaty. The speaker informed the commission that he had many full-blooded Indians who could both read and write, so he wanted a couple of copies of the bill, promising to study the same, but they were asked to make their investigation as brief as possible, for time was precious. Governor Foster made some very pleasant remarks, complimenting the Indians on the condition of their farms, which he told them spoke eloquently for their rapid advance in that civilized industry. General Crook then capped the climax of all oratory by promising the Indians a feast of beef and coffee, and the council adjourned for the day. The commissioners and their assistants spent the time intervening before the next council in personal persuasion, talking to the individual Indians and pointing out the advantages that would accrue to them under the treaty.

The following day the agreement was produced for signatures, and 127 names obtained out of the 300 required, and as this seemed to be all that present indications promised, the commissioners concluded to leave the agreement with Major Anderson, the agent, and visit the Cheyenne Agency, where a large number had assembled awaiting their arrival and whom it was very important to see and talk with.

The Government commissioners reached Cheyenne Agency in the evening of the 10th, but held their first formal council the day following, when the provisions of the bill were explained, and the Indians were given until the 18th to consider the measure, and were also given a feast. On the 18th the parties engaged earnestly in the business which had called them together. The Indians asked to have certain provisions of the bill explained. These related to taking lands in severalty and the method of extending the permanent fund. Governor Foster carefully explained all these provisions.

White Swan then addressed the commission, complaining that the Poncas and Santees would unjustly profit by the proposed sale of lands. This idea appeared to be held at all the agencies and was a source of grievous complaint. White Swan said that the Indians could not take lands in severalty and make a living, as crops were so frequently a failure. The Government, in the past, had also invariably failed to fulfil their treaty obligations with his people. For that reason he should refuse to sign. Crow Eagle, Little-Know-Heart, Rattling Rib, Spotted and some others, representing four bands at the agency, also spoke, all complaining of nonfulfillment of former treaties, and purposely evading the provisions of the present treaty. Each concluded by stating that he would not sign. They had also intimated that they had not been treated fairly in the Black Hills treaty.

General Crook followed, and sternly reminded the Indians that they had not been cheated in the Black Hills purchase. He said that it took \$2 to produce every dollar's worth of ore taken out of those hills, and there would be a great amount of worthless ground. Under the present bill, he said, the Indians were getting more than the land was worth. The Indians, he said, had actually received much more than was promised under the treaty of 1868. He warned the Indians that they would certainly never get a better offer than the one now presented. Instead of complaining of the past they had better think of the future.

While the sentiments expressed by the chiefs were not such as to promise success, the commissioners did not appear to be discouraged, but redoubled their efforts among the masses, and secured a fair list to build upon.

In Governor Foster's remarks he told the Indians:

If the Sioux Reservation was divided equally among all the Sioux they would have 907 acres each. The Government now asks you to sell a portion, marked on this map (showing map, in yellow), about nine million acres. If you sell this land under this bill, which gives you Indians at this agency a separate reservation, you people would have 972 acres each, or sixty-five more acres each in your separate reservation than you would have if the whole reservation was divided among all the Sioux Indians. This yellow portion on the map the Government proposes to sell to actual settlers at \$1.25 per acre.

This explanation was quite a revelation to the Indians and appeared to strike a responsive chord in their hearts, for their faces all wore a more cheerful appearance, as though they had already concluded not to let that sixty-five extra acres get beyond their reach.

The governor went further into the details of the bill with reference to the permanent fund and the methods in which the interest was to be expended, and also with reference to the schools and industries, explaining that at their request their schools, provided under the treaty of 1868, were continued without cost to them for twenty years. That the purpose of the industrial schools was to enable their children to become teachers, or mechanics, or farmers, the whole

intent of the bill being to advance the Indians in civilization and ways of the white man in order that all may become self-supporting.

The council adjourned after the usual announcement that beef cattle would be issued, and it was evident at the close that the feeling of the red men was more favorable than at any time before. The commissioners expressed themselves as quite well satisfied that tomorrow would show a substantial gain for the treaty.

The rolls for signers were opened on the morning of July 20th. No sooner were the papers opened and spread upon the table than two young Indians, painted and wearing only the customary breech-clout, arose and threatened to brain anyone who first touched the pen. An Indian policeman took charge of the belligerents and led them away. The incident aroused the ire of General Crook, who declared with much indignation and emphasis:

I want it very distinctly understood that no painted, breech-clouted Indian will be allowed to interfere in any way with the signing of this treaty. If there are not enough police here to protect every signer, I will bring enough soldiers to do so, and bear this in mind, that if I do bring soldiers here, I will make it warm for you.

The commission left Cheyenne Agency for Standing Rock on the 24th of July. Hump, an unruly and hostile chief, had broken up an important council the evening before, and the Indians generally were in a disturbed condition, but there was a strong sentiment favorable to the bill among them, and the plan was to let this feeling spread, aided by the Indians themselves. Major Randall would remain there and would take the signatures of the people as they presented themselves. Two hundred and seventy-five had been secured before the commission left, and information had been received from Crow Creek that the number enrolled there had increased to 265, which completed its quota.

At Standing Rock it was expected to meet with determined opposition from Sitting Bull, Galla, nephew of Sitting Bull, and John Grass, reputed to be the ablest man among them and a famous orator. These had all along been opposed to any treaty for the relinquishment of any part of the reservation. They advised the Indians to stand firm and keep the lands. At this agency there were 1,138 male adult Indians, and it would be necessary to secure 825 signatures. After presenting the bill to a council of the Indians, including their headmen and chiefs, Sitting Bull not attending, the provisions of the bill were explained, and then an adjournment was taken to give the Indians an opportunity to discuss the provisions of the bill. A big feast had also been prepared for all the Indians, friends and foes alike, General Crook being particularly partial to this feature of the negotiations, which never failed to put the Indians in good humor and disposed to listen. If they could secure the serious and unprejudiced attention of the people the commissioners felt that they would win. It was also found, much to the gratification of the commissioners, that they had been given prejudiced reports from Standing Rock, and that the hostile feeling was no different and no more intense than at other agencies. Intelligence from the Cheyenne Agency was encouraging. Nearly a hundred had signed since the commissioners departed and the prospects were bright for securing the number needed and probably more. White Swan, Crow Eagle, Yellow Hawk and Little Bear had signed, and Mr. Hump had promised to, and finally touched the pen and surrendered before the signature roll was closed.

The commissioners had been highly gratified at the progress made, though amid many difficulties that they had no authority to remove, as they were entrenched in some feature of the law, though of no material importance, and they concluded to rest at Standing Rock and wear out the opposition. They had made up their minds they were going to win without the consent of Sitting Bull, who still prided himself that he had never signed a treaty and never would. But many of the Indians had lost confidence in Sitting Bull's leadership.





GEN. MARK W. SHALER  
Union County pioneer of 1860s



COL. CHAS. A. HOWARD  
Aberdeen pioneer, Lawyer, legislator and  
soldier

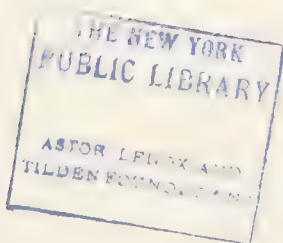


ISAAC LINCOLN  
Pioneer of Brown County. Famous as a suc-  
cessful scientific farmer



HON. FRANCIS A. WILLIAMS  
Bismarck pioneer of 1872





An important and interesting council was held at Standing Rock, near the last day in July. There were present, beside the commissioners, about twenty-five chiefs and four hundred of the common people. Sitting in the front row were Sitting Bull, Chief Gall, John Grass, Mad Bear and Running Antelope. The council was opened by Governor Foster, who extended an invitation to the Indians to occupy the time in a statement of their views, and in asking such questions as they desired to. John Grass, the statesman of the tribes, then arose and spoke as follows:

We have asked for a newspaper reporter of our own, but we cannot have the one we wished. When the agent finds another we will be ready to talk.

This objection was accommodated by the agent, Major McLaughlin, who promised to look over the notes of the stenographer. As Grass proceeded his first words were spoken in the English language. His talk displayed ability to get down to the heart of his subject and institute a comparison between the present treaty and former treaties. He spoke as follows:

Well, my friends, this is a nice day, but it is not nice on our account, but because the Great Spirit so wishes it to be. I am very thankful to you for saying that, no matter what may be our conclusion, we will talk as friends. You are chosen to show us the straight road, and are of renown among your own people. To whatever terms we may come, these people here will uphold me in my position. Last summer we went to Washington with some of our friends here. At that time we did not like to see the complicated manner in which the Great Father stated our views. We said then, no matter how good or how poor the land might be, we wanted \$1.25 per acre for it, and the money deposited in the treasury at 5 per cent interest, for our benefit. We did not want cows, or horses, or implements, but all the money deposited to our credit. Neither did we want the Santees in the bill, but they are there now. In the treaty of 1868, it does not seem to say it gives twenty years of school, counting from now. I cannot so understand it. Where the money comes from to pay for these schools I do not know. Who pays the expenses of this commission in coming out here? Is the money simply loaned to you, and will be refunded from Indians' money? I am afraid this will touch upon our reserve fund. You also say that when this bill is ratified you will pay Red Cloud for his ponies. If he is entitled to pay for his horses why not pay him anyway? We might accuse you of something. Does the money come from the sale of our lands? You also say, when this bill is ratified, moneys coming from other treaties will come to us. Everything seems to depend upon this treaty. If there is anything coming, why not pay us now? I think those who have signed first, are those who do not understand. For myself, individually, I see nothing in this bill that will induce me to put my name to the treaty. We have considered this matter as well as we could, and it is the conclusion of all you see around here, that there is not much more in this bill than last year, and we cannot accept it.

Governor Foster replied to several questions from Grass, as did Major Warner. They did not attempt to make any speeches, but gave clear and distinct answers to each question. Major Warner, particularly, sought to impress upon the Indians the truth of the matter. His capacity for reaching the hearts and minds of his hearers was brought in full play, and he was listened to with close attention and intelligent interest. The closing words of Governor Foster were:

I ask John Grass and Gall not to come here simply as lawyers, but to commune with the Great Spirit, and be fair, candid, and thoughtful in this matter.

The quality of the opposition at Standing Rock was conceded to be much superior to that met with at the other agencies, being more intelligent and more approachable through the reason, and not through appeals to instinct. The Indians appeared to be in an undecided state of mind.

General Crook replied briefly to Grass, and concluded by telling the Indians that one thing was certain, and that was that Congress would not give any better terms at another time, nor as good. He referred pointedly to the Oklahoma case. Sitting Bull said not a word, but appeared to be an interested listener. A portion of the remarks of John Grass were quite offensive to the general,

particularly where, by implication, he intimated the commissioners were paid by Indians' money.

On the 4th of August the bill for signatures was first submitted to the Indians, and John Grass, the hostile speaker, was the first to sign. His change of mind astonished everyone except himself and the commissioners; and Sitting Bull and his party were so indignant that they attempted a stampede in order to break up the council, but General Crook and the agent, McLaughlin, and the Indian police prevented it. Two hundred and eighty signatures were obtained, and the prospects for obtaining the remainder were promising. It was already felt that the treaty fight was almost as good as won.

The full measure of signatures required was secured on Tuesday, the 6th of August, at Standing Rock. While the signing of John Grass had served to turn the scale, the real rush for a place at the clerk's desk where they could touch the pen did not occur until Chief Gall signed. This brought the Blackfeet and Upper and Lower Yanktonnais in, and testified to the influence of this chief. Before nightfall the news had been transmitted to Washington that the treaty had been agreed to by the Indians.

While this gratifying result was in process of being reached there was a scene of discord and confusion and almost a battle caused by the intense rage of Sitting Bull over the turn affairs had taken. It appeared that much valuable work had been done in the numerous Indian camps and bands of a quiet kind. Politicians would call it "on the gum shoe order." One council had been held which proved of the first importance, at which John Grass advised the recognition of the inevitable, and counseled submission and adoption of the treaty, as the best bill likely to be offered.

In direct opposition to Grass was non-progressive Sitting Bull. He went charging through the camps the night of the council, calling upon his people to resist the white man to the last, appealing to them in the name of every memory most dear to the Indian. It was a convincing proof of his declining influence, that the majority of the Indians were no longer heeding his counsel. At the final council on the 6th, just as the signing was about to commence, Sitting Bull and his band mounted on horses, surrounded the council, the angry old chief talking at the top of his voice. Finally he took his place in the center of the circle of chiefs, when Chief Grass arose and said:

I and my friends at the other agencies promised each other not to sign this bill, but as they have now broken their promise, though the price is not enough, I am now willing.

He was followed by Mad Bear and Wolf Necklace to the same effect. Major Warner then told the Indians what the commission would recommend to the Government, as had been done at other agencies.

General Crook followed in a short talk in which he explained that he was in favor of paying the Indians here for their ponies that had been taken from them by the Government, and should not only recommend it but would use his personal influence to bring it about. The ponies were those which the Indians surrendered from time to time when they quit the war path, and were taken from them and sold by the Government and the proceeds applied to their benefit, though they may not have known this. The taking of them with the disarming of them was a peace measure.

After the speeches, the tables were prepared and signatures invited, but before any names were taken, Sitting Bull entered the circle and wanted to talk, but was not allowed to do so, General Crook telling him he came too late. Upon this Bull retired in sullen anger. John Grass then came forward and touched the pen, after which Mad Bear and Big Head signed. Just at this point came the most startling occurrence of the entire summer among the Indians. Sitting Bull made a determined effort to break up the council by ordering his young men to surround the circle of Indians, in the center of which sat or stood the chiefs favorable to the bill. His band, mounted on their ponies, made a dash

at the crowd, scattering them right and left. Quite a panic ensued among the whites, many of whom had assembled upon the upper platform.

Father Croft of the Catholic mission then interposed and called on the young men of the St. Joseph societies to sign the agreement. He touched the pen as a signal and they quickly followed and began to sign. He then called on Sitting Bull's party to leave him and join in signing, and 200 signed at once. Failing in permanently dispersing the Indians who wanted to sign the bill, the hostile band went to the rear of the long warehouse, in front of which the signing took place, and through which the Indians passed after signing. It was evident that their intention was to maltreat those who had signed, but a strong force of police was soon stationed there, upon which Sitting Bull and his entire band departed, convinced that his influence was no longer a power among his people. After this Bear Face, Dear Heart, Fire Heart, with their bands to the number of about four hundred, came forward and touched the pen.

Chief John Grass, one of the friendly leaders at Standing Rock, said that he did not think the Indians were getting enough for their land, but when they found out that the Indians at the other agencies had signed, he advised his people to do the same. Speaking of Sitting Bull's influence, Grass said:

There is one big log in our way, and that is Sitting Bull. He is utterly worthless to us and keeps us back more than he helps us on. He is of no consequence to us, and if the whites think so much of him they had better come and get him. He never was a chief, and is always noisy and making trouble. He has gathered around him a band of bad men having no idea of civilization, and all he seems to want is notoriety. He has not only opposed the present treaty, but always has opposed civilization, and always will be a troublesome man to get along with. I think the Government ought to take him way off and keep him in prison away from these Indians. His influence is very bad. The Government should at once remove him from the reservation. We will not be able to make any progress towards civilization while he is permitted to stay here. It is better to send one man away than that the whole nation should suffer by being kept back.

The commissioners' labors in procuring signers came to a successful conclusion at Standing Rock, and when that work was concluded each member of the commission made an appropriate speech to the Indians and assured them that they had done wisely. General Crook made the most timely of these addresses. He said to the Indians:

Since you have left the war path and joined the procession, you must keep up with it. Every step makes the next one easier. You must keep on step by step until the color line disappears and we are all one people. Struggle, strive, and work, and when in doubt ask advice of some one whom you know to be your friend. I know no one better fitted to give you advice than your present agent, whom you know will give you good advice only for your best good. Listen always to his words. I may never meet you again, but I shall always think of you kindly.

Sitting Bull left for his camp on Grand River and did not sign. He had never signed a treaty and had resolved he never would. He was faithful to this determination to the last.

The treaty was now almost as good as made. There would be no further action by Congress required. The commission would make up their report which would be submitted to the President, and he was authorized, if he found it complied with the law of Congress, to issue his proclamation declaring the ceded portion of the reservation opened to settlement by homesteaders.

The homestead, pre-emption and timber culture laws were not applicable to the lands embraced in this cession but a modified homestead law only. There is but one form of entry, that of homestead, permitted, and the law requires the settler to occupy his 160 acre claim five years when he will be permitted to prove up on it and pay the Government \$1.25 an acre for it. The land had not been surveyed but would be immediately following the President's proclamation.

The domain opened to settlement embraced that part of Hettinger County lying southwest of the Cannon Ball River, all of the counties of Martin, Cho-



teau, Wagner, Rinehart, Delano, Scobey, Stanley and Nowlin. All of the counties of Presho and Pyatt, lying north of White River, and a line drawn from the mouth of Pass Creek to the mouth of Rapid Creek, all of Ziebach County north of a line drawn from the mouth of Pass Creek to the mouth of Rapid Creek, all of the County of Sterling lying south of Cheyenne River, all of Lyman County but about three townships in the southwest corner, all of the triangular strip lying between the Missouri and Niobrara rivers east of the 99th meridian of longitude excepting the old Ponca Reservation. This is made upon the probability that the Lower Brules will select land south of White River. If they should not their reservation will occupy the north half of Presho County and the southeast corner of Stanley County. The tract ceded, in round numbers was estimated at nine million acres.

The commission then made their report to the President, and his proclamation opening the reserve follows:

#### OPENING THE RESERVE

President Harrison issued his proclamation, declaring that portion of the Big Sioux Reservation which had been treated for, opened to settlement forthwith, under the provisions of the treaty or agreement, which he explained at some length, as follows:

Executive Mansion, Washington, D. C., Feb. 10, 1889.

Now, therefore, I, Benjamin Harrison, President of the United States, by virtue of the power invested in me, do hereby make known and proclaim the acceptance of said act by the different bands of the Sioux Nation of Indians, and the consent thereto by them, as required by the said act, and said act is hereby declared to be in full force and effect, subject to all provisions, conditions, limitations and restrictions therein contained. All persons will take notice of the provisions of said act and the provisions, limitations and restrictions therein contained, and be governed accordingly.

I furthermore notify all persons to particularly observe that by said act certain tracts or portions of the great reservation of the Sioux Nation in the Territory of Dakota, are set apart as separate and permanent reservations for Indians receiving rations and annuities at the respective agencies therein named.

That any Indian receiving and entitled to rations and annuities at any of the agencies mentioned in this act at the time the same shall take effect, but residing upon any portion of said great reservation not included in either of the separate reservations herein established, may, at his option, within one year from the time when this act shall take effect, and within one year after having been notified of his said right of option in such manner as the secretary of the interior shall direct, by recording his election with the proper agent at the agency to which he belongs, have an allotment to which he would be otherwise entitled, on one of the said separate reservations upon the land where such Indians may then reside.

That each member of the Ponca tribe of Indians, now occupying a part of the old Ponca Reservation, shall be entitled to allotment upon said old Ponca Reservation, in the quantity herein set forth, and when allotments to the Ponca tribe of Indians, and to such other Indians as allotments are provided for by this act, shall have been made upon that portion of the reservation which is described in the act entitled "An act to extend the northern boundary of the State of Nebraska," approved March 28, 1882, the President shall, in pursuance of said act, declare the Indian title extinguished to all lands described in said act not so allotted hereunder, and thereupon all of said land not so allotted and included in said act of March 28, 1882, shall be open to settlement as provided in this act.

Protection is guaranteed to such Indians as may have taken allotments either within or without said separate reservations under the provisions of the treaty with the great Sioux Nation, concluded April 29, 1868, and provision is made in said act for the release of all title on the part of said Indians receiving rations and annuities on each separate reservation, to the lands described in each of the other separate reservations, and to confirm in the Indians entitled to receive rations at each separate reservation respectively their separate and exclusive use and benefit to all title and interest of every name and nature secured to the different bands of the Sioux Nation by said treaty of April 29, 1868, and said release shall not affect the title of any individual Indian to his separate reservation, nor any agreement heretofore made with the Chicago, Milwaukee & St. Paul Railroad Company, or Dakota Central Railroad Company.

It is therein provided that if any land in the said great Sioux Reservation is occupied and used by any religious society at the date of said act for the purpose of missionary or educational work among the same, not exceeding 160 acres in the tract, shall be granted to said society, subject to the conditions and limitations of said act.

It is therein provided that all lands in the great Sioux Reservation described in the said act, except the American Island, Farm Island, and Nebraska River, shall be disposed of by the United States, upon the terms, at the price, and in the manner therein set forth, to actual settlers only, under the provisions of the homestead law (except section 2301 thereof), and under the law relating to townsites.

Persons who, in good faith, and being legally entitled to do so, entered upon or made settlements with the intent to enter the same under the homestead or preemption laws of the United States upon the Crow Creek or Winnebago reservations under the President's proclamation of February 27, 1885, shall, for a period of ninety days after the proclamation of the President, have a right to reenter upon said claims and procure title thereto under the homestead or pre-emption laws of the United States, and complete the same as required therein, and said claims shall for such time have preference over later entries. Provided, that the preemption claimants shall reside on their lands the same length of time before procuring title as the homestead claimants, under the act. The price to be paid for townsite entries shall be such as is required by law in other cases, and shall be paid into the general fund provided for by the act.

The proclamation of the President further draws attention to the "reservation from entry or settlement of the land occupied by the agency and school buildings at Lower Brule and Cheyenne River agencies, and also a tract of land situated in Nebraska, beginning at a point on the boundary line between Nebraska and Dakota where the range line between ranges 44 and 45, west of the 6th principal meridian in Dakota, intersects the boundary line; thence east along said boundary line five miles; thence due south five miles; thence due west ten miles; thence due north to said boundary line; thence due east along said boundary line to the place of beginning. The same is continued in a state of reservation so long as it may be needed for the use and protection of Indians receiving rations and annuities at Pine Ridge Agency."

The conclusion of the proclamation is in these words:

Warning is also hereby expressly given to all persons, not to enter or make settlement upon any tracts of land especially reserved by the terms of said act, or by this proclamation, or any portion of any tract of land to which any individual member, either of the bands of the great Sioux Nation or the Ponca tribe, shall have preference right under the provisions of said act; and further, to in no wise interfere with the occupancy of any of said tracts by any of the said Indians, or in any manner to disturb, molest or prevent, a peaceful possession of said tracts by them. The surveys required to be made of the lands restored to the public domain under the provisions of said act, and in this proclamation set forth, will be commenced and executed as early as possible.

For some time prior to the promulgation of the President's proclamation, troops had been stationed at Fort Pierre and opposite Chamberlain to maintain order and preserve the peace among the large number of people who had gathered on the border line of the reservation awaiting the signal to enter. The troops at Fort Pierre found much active employment, the most reckless of the proposed settlers being in that quarter, while at Chamberlain a more orderly quality of citizenship was observed. Finally the word came to the military authorities that the proclamation opening the old reserve to occupation and settlement, had been issued, the word went forth, and as the waters break through a crevasse in the lower Mississippi levees in times of flood, so poured across the Missouri and spread abroad upon the prairies, the thousands, many of whom had been waiting for months for this privilege. Selections of a location had been made previously by many hundreds who carried their plats with them and went direct to their claim. The soldiers quietly withdrew and while the impouring of the waiting settlers might be called a rush, it was attended by fewer lawless incidents than occur at similar occasions elsewhere, and aside from its general confusion and novelty was attended by no vicious conduct or lawlessness. Thus was this, the last formidable citadel of barbarism and savagery, in the vast Dakota domain as established by Congress in 1861, peacefully relinquished by its presumed aboriginal occupants and owners by right of the prevailing wise law of civilized nations, and passed into the possession of a nation conceded to be in the forefront of modern civilization and the leader in all the laudable pursuits which characterize the humane, but aggressive ambition of the American people.

A possible mistake was made when the Senate declined to ratify the earliest agreement on the ground that the signatures of three-fourths of the adult males had not been secured as required by the treaty of 1868. That treaty

had been practically superceded and annulled by the agreement under which the Black Hills had been secured in 1876. In that agreement no effort was made to secure the signatures of any of the people of the various tribes except the chiefs and headmen. This precedent the Edmunds commission was governed by. At the time it was satisfactory to the Indians, and fully guarded their interests. It was an honest agreement, with the welfare of the Indians its first purpose.

The delay, caused by the failure to ratify by the Senate, gave an opportunity to stir up a feeling of discontent and dissatisfaction among the Indians, which was improved by white people with poor judgment but with good intentions, and white people with selfish motives. The Indians were shown that they were not receiving as much for their land as they should receive—that the Government proposed to buy for 50 cents an acre, and sell for \$1.25 an acre, and as this was easily stated and as easily proven, the Indians were easily convinced they were being cheated and then began the difficulty of arranging satisfactory terms with them, which terms, according to the position taken by the Senate, must be agreed to and signed by three-fourths of all the adult male Indians of the Sioux nation except the Yanktons and Sissetons.

Nearly eight years were passed in futile efforts to reach another agreement, and in the end the Indians received no more substantial help practically, than would have been theirs under the first; eight years of valuable time during which the Indians would have made some progress in their industrial pursuits upon which they were prepared to enter in earnest. They would have advanced some steps forward in civilization during this time, and enjoyed the helpful terms of the new treaty which would have been a great boon to their young and middle-aged men and women, as well as to the children.

Eight years is about one-fourth of the best of the active life of the great majority of civilized peoples, and pupils of our common schools obtain the most valuable portion of their education during that period. The money value of the land was a very unimportant matter, in the making of this agreement, to the Government and to the white people. The object primarily was to benefit the Indians by clearing away the obstacles to their advancement in civilization. The sale of the land at four-fold the price allowed, with a stipulation that the actual money should be paid to the Indians, which was the contention of many, would have led to the greatest calamity that ever befell these benighted people. They would have squandered the money and would have had nothing to show for it except a worse moral and industrial condition than when they received it, hence it had long been the policy of the Government to provide that payments should be principally in such articles as would assist the savage to a more rational mode of living.

The history of Indian treaty-making will show that the Government has not purchased land from the Indians at a certain price per acre, nor has even stipulated how many acres there were to be in the grant of land secured. The tract proposed to be ceded was described by metes and bounds, with reference to permanent natural objects for boundaries, while the consideration therefor would be stated in round numbers at so many million dollars, to be paid in certain food supplies, goods, wares and merchandise, and a small moiety in cash to each Indian annually. In later treaties, and particularly in the one now contemplated, the Government designed that the payment should be composed of a kind and character that would promote the civilization of the Indian, and turn him altogether away from his barbarous customs and pursuits. If he conformed in good faith to the spirit and letter of his agreement, the Government, as a matter of duty and good policy, would always stand ready to foster and encourage him in his efforts, not taking particular account whether it was expending just the amount it had agreed to pay, so that it was certain to be enough and a little more than the compact demanded. It was not a wise step, in this instance, for the Government to abandon its old time policy, and resort to the civilized method of buying the land at a stipulated price per acre. The Indian was then easily convinced that he had in the past



made some very simple minded bargains, and that the Great Father had taken an unfair advantage of his benighted and unsophisticated ward. But possibly civilization itself should be charged with the responsibility for the changed and more enlightened attitude of the red man.

Ordinarily a measure relating to an Indian treaty would have passed Congress almost unobserved, or rather attracting little attention except from the Indian committees, but this Sioux treaty proposition had now been before the congressional bodies for over seven years, and all the attempts at securing an agreement with the Indians under the laws enacted, had resulted in failure. As a result, too, the members of Congress had become acquainted with many of the details, which before they had treated with indifference, and there had come to be a general interest felt in the matter, and quite a diversity of opinion. The reader is presumed to be aware that there was never wanting an influential lobby influence in Washington, which regarded the interests of the Indians as of a semi-sacred character, needing the watchful guardianship of disinterested friends to secure to the Indians their rights, and thus far the various measures proposed had not met the approval of these people. Some were opposed to any treaty whatever, and others insisted that the Indians had not been offered enough for their lands. (This was also the Indian view.) With the accession of Mr. Cleveland the Indian Rights Association appeared to have gained a reinforcement, and it was said that there was an increasing sentiment which opposed taking any more land from the aboriginal races. That because of their customs and mode of life, they needed a large body of land to roam over and secure game to supplement the scanty rations supplied by the Government.

The Indians had watched the course of the Government, and they had concluded that they could get a better price for their land than any that had been offered, and they were not disposed to act toward the Government with any benevolent motives. The alternative, should they refuse a reasonable offer, that was most dreaded by them was that the Government should enact a law to take the land needed as a matter of necessity, and pay the Indians, or rather indemnify the Indians by granting them reasonable payment for it in such articles of use as was considered conducive to their welfare and needs, and this procedure was not lacking in advocates. The points of difference had been on the part of the Indians, connected with their compensation for their lands, and it must be apparent to the reader that the Sioux had made remarkable progress as bargainers and financiers since the reader first met them on the North Platte in 1855. It was worth a great deal to the Government to know that its Indian wards were advancing on some of the lines of civilization they had been instructed in.

The agreement that was finally successful was the bill known as the Dawes-Gifford bill, though evidently produced from the suggestions of all the interested parties, including the Indians. It was a composite measure. It contained the important provisions of the Pettigrew bill of 1881-2; but as the projected treaty remained in suspense so long a time and met with repeated failures from various causes, its friends were able to discover the places that needed strengthening, and realized the wisdom and advantage of adding some entirely new features. The result was a measure that embodied every important point needed for the protection of the principal beneficiaries, the Indians, with provision for his needs for a half century to come. Also protection and restriction of railway interests, protection of the whites, and protection of the Government from designing persons. It was undoubtedly a measure of equal importance to South Dakota with statehood which came as its companion. The law has met every requirement and has fulfilled all reasonable expectations, and is given in full herewith. Its important provisions extend into the future for half a century:

#### THE TREATY

An Act to divide a portion of the Reservation of the Sioux Nation of Indians in Dakota, into separate reservations, and to secure the relinquishment of the Indian title to the remainder, and for other purposes.



Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

Section 1. That the following tract of land, being a part of the great reservation of the Sioux Nation, in the Territory of Dakota, is hereby set apart as a permanent reservation for the Indians receiving rations and annuities at the Pine Ridge Agency, in the Territory of Dakota, namely: Beginning at the intersection of the 103d meridian of longitude with the northern boundary of the State of Nebraska; thence north on said meridian to the south fork of Cheyenne River, and down said stream to the mouth of Battle Creek; thence due east to White River; thence down White River to Black Pipe Creek on White River; thence due south to the said north line of the State of Nebraska; thence west on said north line to the place of beginning. Also the following tract of land situate in the State of Nebraska, namely: Beginning at a point on the boundary line between the State of Nebraska and the Territory of Dakota where the range line between ranges 44 and 45 west of the 6th principal meridian, in the Territory of Dakota, intersects said boundary line; thence east along said boundary line five miles; thence due south five miles; thence due west ten miles; thence due north to said boundary line; thence due east along said boundary line to the place of beginning. Provided, that the said tract of land in the State of Nebraska shall be reserved, by Executive order only so long as it may be needed for the use and protection of the Indians receiving rations and annuities at the Pine Ridge Agency.

Sec. 2. That the following tract of land, being a part of the said great reservation of the Sioux Nation, in the Territory of Dakota, is hereby set apart for a permanent reservation for the Indians receiving rations and annuities at the Rosebud Agency, in said Territory of Dakota, namely: Commencing in the middle channel of the main channel of the Missouri River at the intersection of the south line of Brule County; thence down said middle of the main channel of said river to the intersection of the 99th degree of west longitude from Greenwich; thence due south to the 43d parallel of latitude; thence west along said parallel to a point due south from the mouth of Black Pipe Creek; thence due north to the mouth of Black Pipe Creek; thence down White River to a point intersecting the west line of Gregory County extended north; thence south on said extended west line of Gregory County to the intersection of the south line of Brule County extended west; thence due east on said south line of Brule County extended to the point of beginning in the Missouri River, including entirely within said reservation, all islands, if any, in said river.

Sec. 3. That the following tract of land, being a part of the said reservation of the Sioux Nation, in the Territory of Dakota, is hereby set apart as a permanent reservation for the Indians receiving rations and annuities at the Standing Rock Agency, in the said Territory of Dakota, namely: Beginning at a point in the center of the main channel of the Missouri River opposite the mouth of Cannon Ball River; thence down said center of the main channel to a point ten miles north of the mouth of the Moreau River, including also within said reservation, all islands, if any, in said river; thence due west to the 102d degree of west longitude from Greenwich; thence north along said meridian to its intersection with the south branch of Cannon Ball River, also known as Cedar Creek; thence down said south branch of Cannon Ball River to its intersection with the main Cannon Ball River; and down said main Cannon Ball River to the center of the main channel of the Missouri River at the place of beginning.

Sec. 4. That the following tract of land, being a part of the great Sioux Reservation of the Sioux Nation, in the Territory of Dakota, is hereby set apart as a permanent reservation for the Indians receiving rations and annuities at the Cheyenne River Agency, in the said Territory of Dakota, namely: Beginning at a point in the center of the main channel of the Missouri River ten miles north of the Moreau River, said point being the southeasterly corner of the Standing Rock Reservation; thence down the said center of the main channel of the Missouri River, including also entirely within said reservation all islands, if any, in said river, to a point opposite the mouth of the Cheyenne River; thence west to the Cheyenne River, and up the same to its intersection with the 102d meridian of longitude, thence north along said meridian to its intersection with a line due west from a point in the Missouri River ten miles north of the mouth of the Moreau River; thence due west to the place of beginning.

Sec. 5. The following tract of land, being a part of the said great reservation of the Sioux Nation, in the Territory of Dakota, is hereby set apart for a permanent reservation for the Indians receiving rations and annuities at the Lower Brule Agency, in the Territory of Dakota, namely: Beginning on the Missouri River at Old Fort George, thence running due west to the western boundary of Presho County; thence running south on said western boundary to the 44th degree of latitude; thence on said 44th degree of latitude to the western boundary of township No. 72; thence south on said township western line to an intersecting line running due west from Fort Lookout; thence eastwardly on said line to the center of the main channel of the Missouri River at Fort Lookout; thence north in the center of the main channel of the said river to the original starting point.

Sec. 6. That the following tract of land, being a part of the great Sioux Reservation, in the Territory of Dakota, is hereby set apart as a permanent reservation for the Indians receiving rations and annuities at the Crow Creek Agency, in the Territory of Dakota, namely: The whole of township 106, range 70; township 107, range 71; township 108,

range 71, township 108, range 72, township 109, range 72, and the south half of township 109, range 71; and all except sections 1, 2, 3, 4, 9, 10, 11 and 12, of township 107, range 70, and such parts as lie on the east or west banks of the Missouri River, of the following townships, to-wit: Township 106, range 71; township 107, range 72; township 108, range 73; township 108, range 74; township 108, range 75; township 108, range 76; township 109, range 73; township 109, range 74; south half of township 109, range 75; and township 107, range 73; and also the west half of township 106, range 69; and sections 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32 and 33 of township 107, range 69.

Sec. 7. Each member of the Santee Sioux tribe of Indians, now occupying a reservation in the State of Nebraska, shall be entitled to allotments upon said reserve in Nebraska, as follows: To each head of a family one quarter of a section; to each single person over eighteen years of age, one-eighth of a section; to each orphan child under eighteen years, one-eighth of a section; to each other person under eighteen years of age now living, one-sixteenth of a section, with title thereto, in accordance with the provisions of article 6 of the treaty concluded April 29, 1868, and the agreement with said Santee Sioux approved February 28, 1877, and rights under the same in all other respects conforming to this act. And said Santee Sioux shall be entitled to all benefits under this act in the same manner and with the same conditions as if they were residents upon the said Sioux Reservation, receiving rations at one of the agencies herein named. Provided, that all allotments heretofore made to said Santee Sioux in Nebraska are hereby ratified and confirmed; and each member of the Flandreau band of Sioux Indians is hereby authorized to take allotments on the Great Sioux Reservation, or in lieu thereof shall be paid at the rate of \$1.00 an acre for the land to which they would be entitled, to be paid out of the proceeds of lands relinquished under this act, which shall be used under the direction of the secretary of the interior; and said Flandreau band of Sioux Indians is in all other respects entitled to the benefits of this act the same as if receiving rations and annuities at any of the agencies aforesaid.

Sec. 8. That the President is hereby authorized and required, whenever in his opinion any reservation of such Indians, or any part thereof is advantageous for agricultural or grazing purposes, and the progress in civilization of the Indians receiving rations on either or any of said reservations shall be such as to encourage the belief that an allotment in severalty to such Indians, or any of them, would be for the best interests of such Indians, to cause such reservation, or so much thereof as is necessary, to be surveyed, or re-surveyed, and to allow the lands in such reservation in severalty, to the Indians located thereon as aforesaid, in quantities, as follows: To each head of a family, 320 acres; to each single person over eighteen years of age, one-fourth of a section; to each orphan child under eighteen years of age, one-fourth of a section; and to each other person under eighteen years now living, or who may be born prior to the date of the order of the President directing an allotment of the lands embraced in any reservation, one-eighth of a section. In case there is not sufficient land in either of said reservations to allot lands to each individual of the classes above named in quantities as above provided, the lands embraced in such reservation or reservations shall be allotted to each individual of each of said classes pro rata in accordance with the provision of this act. Provided, that where the lands on any reservation are mainly valuable for grazing purposes, an additional allotment of such grazing lands, in quantities as above provided, shall be made to each individual, or in case any two or more Indians who may be entitled to allotments, shall so agree, the President may assign the grazing lands, to which they may be entitled, to them in one tract, and to be held and used in common.

Sec. 9. That all allotments set apart under the provisions of this act shall be selected by the Indians, heads of families selecting for their minor children, and the agents shall select for each orphan child, and in such manner as to embrace the improvements of the Indians making the selection. Where the improvements of two or more Indians have been made on the same legal subdivision of land, unless they shall otherwise agree, a provisional line may be run dividing said lands between them, and the amount to which each is entitled shall be equalized in the assignment of the remainder of the land to which they are entitled under the provisions of this act. Provided, that if anyone entitled to an allotment shall fail to make a selection within five years after the President shall direct that allotments may be made on a particular reservation, the secretary of the interior may direct the agent of such tribe or band, if such there be, and if there be no agent, then a special agent appointed for that purpose, to make a selection for such Indian, whose selection shall be allotted as in cases where selections are made by the Indians, and patents shall issue in like manner. Provided, that these sections as to the allotment shall not be compulsory without the consent of the majority of the adult members of the tribe, except that the allotments shall be made as provided for the orphans.

Sec. 10. That the allotments provided for in this act shall be made by special agents appointed by the President for such purpose, and the agents in charge of the respective reservations on which the allotments are directed to be made, under such rules and regulations as the Secretary of the Interior may from time to time prescribe, and shall be certified by such agents to the commissioner of Indian affairs, in duplicate, one copy to be retained in the Indian office and the other to be transmitted to the secretary of the interior for his action, and to be deposited in the general land office.



Sec. 11. That upon the approval of the allotments provided for in this act, by the secretary of the interior, he shall cause patents to issue therefor in the name of the allottees, which patents shall be of the legal effect, and declare that the United States does and will hold the land thus allotted, for the period of twenty-five years, in trust for the sole use and benefit of the Indian to whom such allotment shall have been made or, in case of his decease, to his heirs according to the laws of the state or territory where such land is located, and that at the expiration of such period, the United States will convey the same by patent to said Indian, or his heirs as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever, and patents shall issue accordingly. And each and every allottee under this act shall be entitled to all the rights and privileges and be subject to all the provisions of section 6 of the act approved February 8, 1887, entitled, "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the territories over the Indians, and for other purposes," provided, that the President of the United States may, in any case, in his discretion, extend the period by a term not exceeding ten years; and if any lease or conveyance shall be made of the lands set apart and allotted as herein provided, or any contract made touching the same, before the expiration of the time above mentioned, such lease, or conveyance, or contract shall be absolutely null and void; provided further, that the law of descent and partition in force in the state or territory where the lands may be situated shall apply thereto after patents therefor have been executed and delivered. Each of the patents aforesaid shall be recorded in the general land office and afterwards delivered, free of charge, to the allottee entitled thereto.

Sec. 12. That at any time after lands have been allotted to all the Indians of any tribe as herein provided, or sooner, if in the opinion of the President it shall be for the best interests of said tribe, it shall be lawful for the secretary of the interior to negotiate with such Indian tribe for the purchase and release by said tribe, in conformity with the treaty or statute under which such reservation is held, of such portions of its reservation not allotted as such tribe shall, from time to time, consent to sell, on such terms and conditions as shall be considered just and equitable between the United States and said tribe of Indians, which purchase shall not be complete until ratified by Congress; provided, however, that all lands adapted to agriculture, with or without irrigation, so sold or released to the United States by any Indian tribe shall be held by the United States for the sole purpose of securing homes to actual settlers, and shall be disposed of by the United States to actual and bona fide settlers only in tracts, not exceeding one hundred and sixty acres to any one person, on such terms as Congress shall prescribe, subject to grants which Congress may make in aid of education; and provided further, that no patents shall issue therefor except to the person so taking the same as and for a homestead, or his heirs, and after the expiration of five years occupancy thereof as such homestead; and any conveyance of said lands so taken as a homestead, or any contract touching the same, or lien thereon, created prior to the date of such patent, shall be null and void. And the sums agreed to be paid by the United States as purchase money for any portion of any such reservation shall be held in the Treasury of the United States for the sole use of the tribe or tribes of Indians to whom such reservation belonged; and the same, with interest thereon at five per centum per annum, shall be at all times subject to appropriation by Congress for the education and civilization of such tribe or tribes of Indians or the members thereof. The patents aforesaid shall be recorded in the general land office, and afterward delivered, free of charge, to the allottee entitled thereto.

Sec. 13. That any Indian receiving and entitled to rations and annuities at either of the agencies mentioned in this act at the time the same shall take effect, but residing upon any portion of said great Sioux reservation not included in either of the separate reservations herein established, may, at his option, within one year from the time when this act shall take effect, and within one year after he has been notified of his right of said option in such manner as the secretary of the interior shall direct, by recording his election with the proper agent at the agency to which he belongs, having the allotment to which he would be otherwise entitled on one of said separate reservations upon the land where such Indians may then reside, such allotment in all other respects to conform to the allotments hereinbefore provided.

Each member of the Ponca tribe of Indians now occupying a part of the old Ponca reservation, within the limits of the Great Sioux reservation, shall be entitled to allotments upon said old Ponca reservation as follows: To each head of a family, 320 acres; to each single person over eighteen years of age, one-fourth of a section; to each orphan child under eighteen years of age, one-fourth of a section; and to each other person under eighteen years of age, now living, one-eighth of a section, with title thereto and rights under the same in all other respects conforming to this act. And said Poncas shall be entitled to all other benefits under this act in the same manner and with the same conditions as if they were a part of the Sioux Nation receiving rations at one of the agencies herein named.

When the allotments to the Ponca tribe of Indians and to such other Indians as allotments are provided for by this act shall have been made upon that portion of said reservation which is described in the act entitled, "An act to extend the northern boundary of the State of Nebraska," approved March 28, 1882, the President shall, in pursuance of said act, declare that the Indian title is extinguished to all lands described in said act not so allotted hereunder, and thereupon all of said land not so allotted and included in said act of March

28, 1882, shall be open to settlement as provided in this act, provided that the allotments to Poncas and other Indians authorized by this act to be made upon the land described in the said act entitled, "An act to extend the northern boundary of the Sioux of Nebraska," shall be made within six months from the time this act shall take effect.

Sec. 14. That in cases where the use of water for irrigation is necessary to render the lands within any Indian reservation available for agricultural purposes, the secretary of the interior be, and he is hereby, authorized to prescribe such rules and regulations as he may deem necessary to secure a just and equal distribution thereof among the Indians residing upon any such reservation, and no other appropriation or use of water by any riparian proprietor shall be authorized or permitted to the damage of any other riparian proprietor.

Sec. 15. That if any Indian has, under and in conformity with the provisions of the treaty with the Great Sioux Nation concluded April 29, 1868, and proclaimed by the President February 24, 1869, or an existing law, taken allotments of land within or without the limits of any of the separate reservations established by this act, such allotments are hereby ratified and made valid, and such Indian is entitled to a patent therefor in conformity with the provisions of said treaty and existing law and of the provisions of this act in relation to patents for individual allotments.

Sec. 16. That the acceptance of this act by the Indians in manner and form as required by the said treaty concluded between the different bands of the Sioux Nation of Indians and the United States, April 29, 1868, and proclaimed by the President February 24, 1869, as hereinafter provided, shall be taken and held to be a release of all title on the part of the Indians receiving rations and annuities on each of the said separate reservations to the lands described in each of the other separate reservations so created, and shall be held to confirm in the Indians entitled to receive rations at each of said separate reservations respectively, to their separate and exclusive use and benefit, all the title and interest of every name and nature secured therein to the different bands of the Sioux Nation by said treaty of April 29, 1868. This release shall not affect the title of any individual Indian to his separate allotment on land not included in any of said separate reservations provided for in this act, which title is hereby confirmed, nor any agreement heretofore made with the Chicago, Milwaukee & St. Paul Railroad Company or the Dakota Central Railroad Company for a right of way through said reservation, and for any lands acquired by any such agreement to be used in connection therewith, except as hereinafter provided; but the Chicago, Milwaukee & St. Paul Railway Company and the Dakota Central Railroad Company shall, respectively, have the right to take and use, prior to any white person, and to any corporation, the right of way provided for in any such agreements, with not to exceed twenty acres of land in addition to the right of way, for stations for every ten miles of road, and said companies shall also, respectively, have the right to take and use for right of way, sidetrack, depot, and station privileges, machine shop, freight house, roundhouse, and yard facilities, prior to any white person, and to any corporation or association, so much of the two separate sections of land embraced in said agreements, also, the former company so much of the 188 acres, and the latter company so much of the seventy-five acres, on the east side of the Missouri River, likewise embraced in said agreements, as the secretary of the interior shall decide to have been agreed upon and paid for by said railroad, and to be reasonably necessary upon each side of said river for the approaches to the bridge of each of said companies to be constructed across the river, for right of way, sidetrack, depot and station privileges, machine shop, freight house, roundhouse and yard facilities, and no more; provided, that the said railway companies shall have made the payments according to the terms of said agreements for each mile of right of way and each acre of land for railway purposes which said companies take and use under the provisions of this act, and shall satisfy the secretary of the interior to that effect; provided further, that no part of the lands herein authorized to be taken shall be sold or conveyed except by way of sale or mortgage of the railway itself. Nor shall any of said lands be used directly or indirectly for townsite purposes, it being the intention hereof that said lands shall be held for general railway uses and purposes only, including stock yards, warehouses, elevators, terminal and other facilities of and for said railways; but nothing herein contained shall be construed to prevent any such railroad company from building upon such lands houses for the accommodation or residence of their conductors, or leasing grounds contiguous to its tracks for warehouse or elevator purposes connected with said railways; and provided further, that said payments shall be made and said conditions performed within six months after this act shall take effect; and provided further, that said railway companies and each of them shall, within nine months after this act takes effect, determine locate their said lines of road, including all station grounds and terminals across and upon the land of said reservation designated in said agreements, and shall also, within the said period of nine months, file with the secretary of the interior a map of such definite location, specifying clearly the line of the road, the several station grounds, and the amount of land required for railway purposes, as herein specified, of the said separate sections of land and said tracts of 188 acres and seventy-five acres, and the secretary of the interior shall, within three months after the filing of such map, designate the particular portions of said sections and of said tracts of land which the said railway companies respectively may take and hold under the provisions of this act for railway purposes. And the said railway companies and each of them shall, within three years after this act takes



effect, construct, complete and put in operation their said lines of road; and in case the said lines of road are not definitely located and maps of location filed within the periods hereinbefore provided, or in case the said lines of road are not constructed, completed and put in operation within the time herein provided, then, and in either case, the lands granted for right of way, station grounds or other railway purposes, as in this act provided, shall, without any further act or ceremony, be declared by proclamation of the President forfeited, and shall, without entry or further action on the part of the United States, revert to the United States and be subject to entry under the other provisions of this act; and whenever such forfeiture occurs the secretary of the interior shall ascertain the fact and give due notice thereof to the local land officers, and thereupon the lands so forfeited shall be open to homestead entry under the provisions of this act.

Sec. 17. That it is hereby enacted that the seventh article of the said treaty of April 29, 1868, securing to said Indians the benefits of education, subject to such modifications as Congress shall deem most effective to secure to said Indians equivalent benefits of such education, shall continue in force for twenty years from and after the time that this act shall take effect; and the secretary of the interior is hereby authorized and directed to purchase, from time to time, for the use of said Indians such and so many American breeding cows of good quality, not exceeding twenty-five thousand in number, and bulls of like quality, not exceeding one thousand in number, as in his judgment can be, under regulations furnished by him, cared for and preserved, with their increase, by said Indians; provided, that each head of a family or single person over the age of eighteen years, who shall have or may hereafter take his or her allotment of land in severalty, shall be provided with two milch cows, one pair of oxen, with yoke and chain, or two mares and one set of harness in lieu of said oxen, yoke and chain, as the secretary of the interior may deem advisable, and they shall also receive one plow, one wagon, one harrow, one hoe, one axe, and one pitchfork, all suitable to the work they may have to do, and also \$50 in cash, to be expended under the direction of the secretary of the interior in aiding such Indians to erect a house and other buildings suitable for a residence or the improvement of his allotment; no sales, barter, or bargains shall be made by any person other than said Indians with each other, or of any of the personal property hereinbefore provided for, and any violation of this provision shall be deemed a misdemeanor and punished by fine not exceeding one hundred dollars or imprisonment not exceeding one year, or both in the discretion of the court. That for two years the necessary seeds shall be provided to plant five acres of ground into different crops, if so much can be used, and provided that in the purchase of such seed preference shall be given to Indians who may have raised the same for sale, and so much money as shall be necessary for this purpose is hereby appropriated out of any money in the treasury not otherwise appropriated; and in addition thereto there shall be set apart, out of any money in the treasury not otherwise appropriated, the sum of \$3,000,000, which said sum shall be deposited in the Treasury of the United States to the credit of the Sioux Nation of Indians as a permanent fund, the interest of which, at five per centum per annum, shall be appropriated, under the direction of the secretary of the interior, to the use of the Indians receiving rations and annuities upon the reservations created by this act in proportion to the numbers that shall so receive rations and annuities at the time this act takes effect, as follows: One-half of said interest shall be so expended for the promotion of industrial and other suitable education among said Indians, and the other half thereof in such manner and for such purposes, including reasonable cash payments per capita, as in the judgment of said secretary shall, from time to time, most contribute to the advancement of said Indians in civilization and self-support; and the Santee Sioux the Flandreau Sioux and the Ponca Indians shall be included in the benefits of said permanent fund, as provided in sections 7 and 13 of this act; provided, that after the Government has been reimbursed for the money expended for said Indians under the provisions of this act, the secretary of the interior may, in his discretion, expend, in addition to the interest of the permanent fund, not to exceed ten per centum per annum of the principal of said fund in the employment of farmers and in the purchase of agricultural implements, teams, seeds, including reasonable cash payments per capita, and other articles necessary to assist them in agricultural pursuits, and he shall report to Congress in detail each year his doings hereunder. And at the end of fifty years for the passage of this act said fund shall be expended for the purpose of promoting education, civilization and self-support among said Indians, or otherwise distributed among them as Congress shall from time to time hereafter determine.

Sec. 18. That if any land in said great Sioux reservation is now occupied and used by any religious society for the purpose of missionary or educational work among said Indians, whether situate outside of or within the lines of any reservation constituted by this act, or if any such land is so occupied upon the Santee Sioux reservation, in Nebraska, the exclusive occupation and use of said land, not exceeding one hundred and sixty acres in any one tract, is hereby, with the approval of the secretary of the interior, granted to any such regularly incorporated society so long as the same shall be occupied and used by such society for educational and missionary work among said Indians, and the secretary of the interior is hereby authorized and directed to give to such religious society a patent of such tract of land to the legal effect aforesaid, and for the purpose of such educational or missionary work, any such society may purchase, upon any of the reservations herein

created, any land not exceeding in any one tract one hundred and sixty acres, not interfering with the title in severalty of any Indian and with the approval of *etc.*, upon such terms, not exceeding one dollar and twenty five cents an acre, as shall be provided by the secretary of the interior. And the Santee Normal Training School may, in like manner, purchase for such educational or missionary work on the Santee reservation, in addition to the foregoing, in such location and quantity, not exceeding three hundred and twenty acres, as shall be approved by the secretary of the interior.

Sec. 19. That all the provisions of the said treaty with the different bands of the Sioux Nation of Indians, concluded April 29, 1868, and the agreement with the same approved February 28, 1877, not in conflict with the provisions and requirements of this act, are hereby continued in force according to their tenor and limitation, anything in this act to the contrary notwithstanding.

Sec. 20. That the secretary of the interior shall cause to be erected not less than thirty schoolhouses, and more if found necessary, on the different reservations at such points as he shall think for the best interest of the Indians, but at such distance only as will enable as many as possible attending school to return home nights as white children do attending district schools; and provided, that any white children residing in the neighborhood are entitled to attend the said school on such terms as the secretary of the interior may prescribe.

Sec. 21. That all the lands in the great Sioux reservation outside of the separate reservations herein described are hereby restored to the public domain, except American Island, Farm Island and Niobrara Island, and shall be disposed of by the United States to actual settlers only under the provisions of the homestead law (except section 2301 thereof), and under the law relating to townsites; provided, that each settler, under and in accordance with the provisions of said homestead acts, shall pay to the United States for the land so taken by him, in addition to the fees provided by law, the sum of \$1.25 per acre for all lands disposed of within the first three years after the taking effect of this act, and the sum of 75 cents per acre for all lands disposed of within the next two years following thereafter, and 50 cents per acre for the residue of the lands then undisposed of, and shall be entitled to a patent therefor according to said homestead laws, and after the full payment of said sums; but the rights of honorably discharged Union soldiers and sailors in the late Civil war as defined and described in sections 2304 and 2305 of the Revised Statutes of the United States shall not be abridged, except as to said sum; provided, that all lands herein opened to settlement under this act, remaining undisposed of at the end of ten years from the taking effect of this act shall be taken and accepted by the United States and paid for by said United States at 50 cents per acre, which amount shall be added to and credited to said Indians as part of their permanent fund, and said lands shall thereafter be part of the public domain of the United States to be disposed of under the homestead laws of the United States and the provisions of this act; and any conveyance of said lands so taken as a homestead, or any contract touching the same, or lien thereon, created prior to the date of final entry, shall be null and void; provided, that there shall be reserved public highways four rods wide around every section of land allotted or opened to settlement under this act, the section lines being the center of said highways; but no deduction shall be made in the amount to be paid for each quarter section of land by reason of such reservation. But if the said highway shall be vacated by any competent authority the title of the respective strips shall inure to the then owner of the tract of which it formed a part by the original survey; and provided further, that nothing in this act contained shall be so construed as to affect the right of Congress or of the government of Dakota to establish public highways, or to grant to railroad companies the right of way through said lands, or to exclude the said lands, or any thereof, from the operation of the general laws of the United States now in force granting to railway companies the right of way and depot grounds over and upon the public lands.

American Island, an island in the Missouri River near Chamberlain, in the Territory of Dakota, and now a part of the Sioux reservation, is hereby donated to the said City of Chamberlain; provided further, that the said City of Chamberlain shall formally accept the same within one year from the passage of this act upon the express condition that the same shall be preserved and used for all time as a public park, and for no other purpose, to which all persons shall have free access, and said city shall have authority to adopt all proper rules and regulations for the improvement and care of said park, and upon the failure of any of said conditions the said island shall revert to the United States to be disposed of by future legislation only.

Farm Island, an island in the Missouri River near Pierre, in the Territory of Dakota, and now a part of the Sioux reservation, is hereby donated to the said City of Pierre; provided further, that said City of Pierre shall formally accept the same within one year from the passage of this act upon the express condition that the same shall be preserved and used for all time entire as a public park, and for no other purpose, to which all persons shall have free access, and said city shall have authority to adopt all proper rules and regulations for the improvement and care of said park, and upon the failure of any of said conditions the said island shall revert to the United States to be disposed of by future legislation only.

Niobrara Island, an island in the Niobrara River near Niobrara, and now a part of the Sioux reservation, is hereby donated to the said City of Niobrara; provided further, that the said City of Niobrara shall formally accept the same within one year from the passage



of this act upon the expressed condition that the same shall be preserved and used for all time entire as a public park, and for no other purpose, to which all persons shall have free access, and said city shall have full authority to adopt all proper rules and regulations for the improvement and care of said park, and upon the failure of any of said conditions the said island shall revert to the United States to be disposed of by future legislation only.

And Provided Further, That if any full or mixed blood Indian of the Sioux Nation shall have located upon Farm Island, American Island, or Niobrara Island before the date of the passage of this act, it shall be the duty of the secretary of the interior within three months from the time this act shall have taken effect to cause all improvements made by any such Indian so located upon either of said islands and all damage that may accrue to him by a removal therefrom to be appraised, and upon the payment of the sum so determined within six months after notice thereof by the city to which the island is herein donated to such Indian, said Indian shall be required to move from said island and shall be entitled to select instead of such location, his allotment according to the provisions of this act, upon any of the reservations herein established or upon any land opened to settlement by this act not already located upon.

Sec. 22. That all money accruing from the disposal of lands in conformity with this act shall be paid into the Treasury of the United States and be applied solely as follows: First, to the reimbursement of the United States for all necessary actual expenditures contemplated and provided for under the provisions of this act, and the creation of the permanent fund hereinbefore provided, and after such reimbursement to the increase of said permanent fund for the purposes hereinbefore provided.

Sec. 23. That all persons who, between the 27th day of February, 1885, in good faith, entered upon or made settlements with intent to enter the same under the homestead or preemption laws of the United States upon any part of the great Sioux reservation lying east of the Missouri River and known as the Crow Creek and Winnebago reservation, which by the President's proclamation of date February 27, 1885, was declared to be opened to settlement, and not included in the new reservation established by section 6 of this act, and who, being otherwise legally entitled to make such entries, located or attempted to locate thereon homestead, preemption or townsite claims, by actual settlement and improvement of any portion of such lands, shall, for a period of ninety days after the proclamation of the President required to be made by this act, have a right to reenter upon such claims and procure title thereto under the preemption or homestead laws of the United States, and complete the same as required therein, and their said claim shall, for such time, have a preference over later entries, and when they shall have in other respects shown themselves entitled, and shall have complied with the law regulating such entries, and as to homesteads with the special provisions of this act, they shall be entitled to have said lands, and patents therefor shall be issued as in like cases; provided, that preemption claimants shall reside on their lands the same length of time before procuring title as homestead claimants under this act. The price to be paid for townsite entries shall be such as is required by law in other cases, and shall be paid into the general fund provided for by this act.

Sec. 24. That sections 16 and 36 of each township of the lands open to settlement under the provisions of this act, whether surveyed or unsurveyed, are hereby reserved for the use and benefit of the public schools, as provided by the act organizing the Territory of Dakota; and whether surveyed or unsurveyed said sections shall not be subject to claim, settlement, or entry under the provisions of this act or any of the land laws of the United States; provided, however, that the United States shall pay to said Indians, out of any moneys in the treasury not otherwise appropriated, the sum of \$1.25 per acre for all lands reserved under the provisions of this section.

Sec. 25. That there is hereby appropriated the sum of \$100,000, out of any money in the treasury not otherwise appropriated, or so much thereof as may be necessary, to be applied and used towards surveying the lands herein described as being opened for settlement, said sum to be immediately available; which sum shall not be deducted from the proceeds of lands disposed of under this act.

Sec. 26. That all expenses for the surveying, platting, and disposal of the lands opened to settlement under this act shall be borne by the United States and not deducted from the proceeds of said lands.

Sec. 27. That the sum of \$28,200 or so much thereof as may be necessary, be, and hereby is, appropriated out of any money in the treasury not otherwise appropriated, to enable the secretary of the interior to pay to such individual Indians of the Red Cloud and Red Leaf bands of Sioux, as he shall ascertain to have been deprived by the authority of the United States, of ponies, in the year 1876, at the rate of \$40.00 for each pony; and he is hereby authorized to employ such agent or agents as he may deem necessary in ascertaining such facts as will enable him to carry out this provision, and to pay them therefor such sums as shall be deemed by him fair and just compensation; provided, that the sum paid to each individual Indian under this provision shall be taken and accepted by such Indian full compensation for all loss sustained by such Indian in consequence of the taking from him of ponies as aforesaid; and provided further, that if any Indian entitled to such compensation shall have deceased, the sum to which the said Indian would be entitled shall be paid to his heirs at law, according to the laws of the Territory of Dakota.

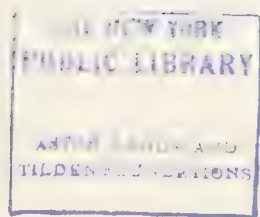


LITTLE BIG HORN RIVER WHERE CUSTER MET FIRST REVERSE



MONUMENT IN MEMORY OF INDIANS KILLED IN WOUNDED KNEE BATTLE.  
THE LAST BATTLE WITH THE SIOUX NATION





Sec. 28. That this act shall take effect only upon the acceptance, proof and consent thereto by the direct or bands of the Sioux Nation or Indians, in manner and form prescribed by the twelfth article of the said treaty between the United States and the Indians, concluded April 20, 1868, which said acceptance and consent shall be made known by proclamation thereof by the President of the United States, upon satisfactory proof presented to him that the same has been obtained in the manner and form required by said twelfth article of said treaty, which proof shall be so presented to him within one year from the passage of this act, and upon failure of such proof and proclamation this act, except the first section, shall be null and void.

Sec. 29. That there is hereby appropriated, out of any money in the treasury not otherwise appropriated, the sum of \$25,000, or so much thereof as may be necessary, which sum shall be expended under the direction of the secretary of the interior for procuring the assent of the Sioux Indians to this act, provided in section 27.

Sec. 30. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved, March 2, 1889.

The foregoing treaty was signed and assented to by 1,455 adult Indians at Rosbud Agency, and the first man to sign was Crow Dog, the slayer of the famous chief, Spotted Tail. Crow Dog's Indian name in the Sioux language was Con-Gee-Shon-Cah. William Spotted Tail, son and successor of the renowned chief, was sixth to sign. His Indian name is "Sin-Ta-Ga-La-She-Cah." At Pine Ridge Agency where the population was about six thousand, only 684 signatures were obtained. "Red Cloud," the most influential of the Pine Ridge people (Ogalalas), did not sign. There were 222 of the Santees at Santee Agency, who signed, which was nearly all the adult male population, and nearly all wrote their names, showing that they had taken a long step toward civilization and education. There were sixty eight Santees at Flaudreau who signed, and nearly all were able to write their names. The Yankton Sioux had nothing to do with the Great Sioux Reservation, and hence did not sign the treaty. At the Lower Brule Agency, near Crow Creek but on the west bank of the Missouri, 207 signatures were obtained. At the Crow Creek Agency, inhabited by the Lower Yanktonnais tribe, 248 names were secured. At Cheyenne River Agency, headquarters for the Sans Ares, Minneconjeaux, Two Kettles, and Blackfeet, the number of names secured was 642; while at Standing Rock Agency, where the active and almost violent opposition of Sitting Bull was encountered, the number who signed was 803. The tribes at this point were the Uncapapas, the Upper Yanktonnais mainly, with a few individuals from other tribes. With the completion of the work at Standing Rock the commissioners were gratified to find that they had received the necessary number of signatures to ratify the treaty on the part of the Indians, and all that remained was their official report to be made out and the official proclamation of the President declaring the treaty completed and the Sioux Reservation, in part, opened.

The Indian signature was a cross, X, written, in signing the treaty or law, thus: "Wi-Ci-Ye-La, Yankton, His X Mark." "Wi-Ci-Ye-La Pa-Han-Ska, Long Nose Yankton, His X Mark."

Some had adopted an English given name, as William Spotted Tail, William American Horse, Thomas American Horse, which may have been in recognition of their esteem for the great white chief, William Tecumseh Sherman, who with others made the treaty of 1868.

There does not appear to have been even one full blood Indian among the tribes west of the Missouri, who signed the treaty, sufficiently educated so that he was able to write his name. There were a few half bloods in every tribe that were able to affix an autograph. These names were of French origin. Among the Santees east of the Missouri nearly all were able to write their names.

It will be observed that this treaty met with considerable opposition from such influential sources as Sitting Bull, Red Cloud and others, notably the battle kings who had married into the nation and were in a position to control many votes. Great credit is due the commissioners who were entrusted with the work, General Crook, General Foster, and Mr. Warner. They were not only aggressive but tactful, and they probably convinced the great majority of the barbarous

nation that the proposition of the Government was not only fair and just, but that it presented such advantages that the Indians could not afford to reject it. The gain was all on their side. It assured a competency to every individual of the generation then living, and gave to their posterity wealth and advantages of far greater value.

Though the consummation of this treaty was long delayed, covering a period of nine years, it will be observed that the agreement as made by the first commission, known as the Edmunds Commission, appointed under the Pettigrew bill, was substantially the one finally adopted, with some changes made in the price paid for the land ceded—but the separate reservation plan and their boundaries, the method and kind of payments, the establishment of schools, and many other important details, were all provided in this first agreement, and had this commission been supplied with an adequate appropriation to have justified the incurring of the large expense, it would probably have been able to have secured the necessary signatures, but, as has been stated, this was not deemed essential in view of the precedent established in 1876, in making the treaty for the Black Hills.

## CHAPTER XCI

### GREAT GROWTH IN POPULATION—THE CAPITAL REMOVED

1883

THE YEAR 1883 FREIGHTED WITH IMPORTANT EVENTS—AVERAGE INCREASE OF POPULATION OVER A THOUSAND A WEEK, OR 60,000 FOR THE YEAR—THE LEGISLATURE—THE LAST SESSION HELD AT YANKTON—GOVERNOR'S MESSAGE—THE REMOVAL OF THE CAPITAL FROM YANKTON TO BISMARCK—A BILL TO LOCATE THE CAPITAL AT HURON—A CAPITAL COMMISSION FORMED WHICH LOCATES THE SEAT OF GOVERNMENT AT BISMARCK—REV. JOSEPH WARD'S SUNDAY SERMON—GOVERNOR'S APPOINTMENTS—NEWSPAPER COMMENT—TO AUTHORIZE DIVISION—THE NEW DAKOTA PENITENTIARY FORMALLY PRESENTED—THE BISMARCK PENITENTIARY PROVIDED FOR—ORDWAY AND TELLER CORRESPONDENCE.

The good year of 1883 witnessed great activity in the Territory of Dakota. This was not confined to matters usually termed political, though in that field there was manifested unwonted and intelligent industry, due to the promise of statehood, the division of the territory, and kindred affairs.

Immigration continued brisk to all sections, but more largely to the vacant lands, and hundreds of thousands of acres of these were occupied. As bearing upon the future as well as present welfare of the territory, this feature of the year's activities was of the first importance. The farmers were the most industrious of our population; the season's weather favored a bountiful harvest, and a largely increased acreage was sown and planted.

A People's Constitutional Convention was called and held for that part of the territory lying south of the 46th parallel. This convention was preceded by a Delegate Convention called by the executive committee of the non-partisan citizens' organization of 1882 of which Rev. Mr. Whitfield was chairman. Its purpose, as announced in the call, was to consider the calling of a Constitutional Convention, the governor having practically vetoed the bill enacted by the Legislature of 1883 for that purpose. This was favorably acted upon by a non-partisan convention held at Huron in June, attended by about four hundred delegates, and a Constitutional Convention called to meet at Sioux Falls on the 12th of September.

The proceedings of the Huron preliminary convention and the proceedings of the convention which framed the first state constitution, will be found in the chapters entitled "Statehood."

The fifteenth session of the Legislative Assembly assembled at Yankton, the capital, on Tuesday, January 9, 1883, at 12 o'clock M. There were twelve members of the Council, and twenty-four members of the House of Representatives.

The Legislature of 1881 had made a new apportionment denuded by the increase of settlement and the organization of new counties; but Congress had not increased the membership which remained at a less number than at any time since the territory was organized.

The first proceeding in the organization of the Council was the calling of the roll of members as furnished by the secretary of the territory to whom the legislative returns were made. The following named persons responded to their names: First District, Union and Clay counties—F. N. Burdick, Clay County.



Second District, Lincoln, Turner and McCook counties—H. A. Jerauld, Lincoln County. Third District, Minnehaha County—John R. Jackson, Valley Springs, Minnehaha County. Fourth District, Yankton County—William Pitt Dewey, Yankton. Fifth District, Bon Homme, Hutchinson, Douglass and Charles Mix counties—Frank M. Ziebach, Scotland, Bon Homme County. Sixth District, Moody, Lake and Brookings counties—J. O'B. Scobey, Brookings. Seventh District, Hamlin, Deuel, Grant, Codington, Clark, Spink, Day, Brown, Campbell, McPherson, Walworth, Edmunds, Potter and Faulk counties—Wm. H. Donaldson, of Codington, was admitted, and Elias McAuley entered notice of contest. Eighth District, Hanson, Davison, Aurora, Brule, Buffalo, Hughes, Sully, Hyde, Hand, Beadle, Kingsbury and Miner counties—C. H. McIntosh, Plankinton, Aurora County. Ninth District, Pennington and Custer counties—No councilman. Tenth District, Lawrence and Mandan counties—Frank J. Washabaugh, Deadwood. Eleventh District, Pembina, Cavalier and Rolette counties—No councilman. Twelfth District, Grand Forks, Traill and Walsh counties—George H. Walsh, Grand Forks. Thirteenth District, Cass and Richland counties—S. G. Roberts, Fargo. Fourteenth District, Barnes, Ransom, LaMoure, Stutsman, Griggs, Foster, Gingras, Kidder, Burleigh, Sheridan, Stevens, Renville, Mountrail, Walleette, Howard, Williams, Mercer, Morton, Stark, Billings, Emmons, Logan and Ramsey counties—Johnson C. Nickeus, Jamestown, Stutsman County.

The Council then made a temporary organization by electing Wm. P. Dewey chairman.

Chief Justice Edgerton then administered the oath of office to the councilmen, and on motion a permanent organization was effected, as follows:

President of the Council, J. O'B. Scobey; chief clerk, E. A. Henderson, Grand Forks; assistant clerk, J. M. Quinn, Cass County; enrolling clerk, C. F. Mallahan, Union County; sergeant-at-arms, Jacob Brauch, Yankton; messenger, M. C. Lyons, Minnehaha; fireman, Randall Peters, Lincoln County; chaplain, Rev. R. H. Dolliver, Yankton.

The Council then adjourned to the following day, after the appointment of the usual committees to notify the House and the governor that the body was duly organized and ready for business.

The House was called to order by D. M. Inman, member from Clay County, who appointed Ira Ellis, of Union County, temporary chairman, the appointment was confirmed by vote of the House.

T. A. Kingsbury, of Codington County, was elected temporary clerk. The members-elect then presented their certificates of election to the temporary clerk, by which officer the roll of members was made up and called, as follows: First District, Clay and Union counties—Ira Ellis, Union County; D. M. Inman, Clay County. Second District, Lincoln, Turner and McCook counties—N. C. Tychsen, Parker, Turner County, and H. VonWoert, Montrose, McCook County. Third District, Minnehaha County—John Thompson, Dell Rapids, Minnehaha County. Fourth District, Yankton County—J. B. Wynn, Yankton. Fifth District, Bon Homme, Hutchinson, Douglass, and Charles Mix—B. R. Wagner, Springfield, Bon Homme County; W. B. Robinson, Scotland, Bon Homme County. Sixth District, Moody, Lake and Brookings counties—R. C. McAllister, Madison, Lake County; George Rice, Flandreau, Lake County. Seventh District, Hamlin, Deuel, Grant, Codington, Clark, Spink, Day, Brown, Campbell, McPherson, Walworth, Edmunds, Potter and Faulk counties—N. T. Hauser, Aberdeen, Brown County; N. J. Schafer, Milbank, Grant County. Eighth District, Hanson, Davison, Aurora, Brule, Buffalo, Hughes, Sully, Hyde, Hand, Beadle, Kingsbury and Miner counties—George Sterling, Huron, Beadle County. Ninth District, Pennington and Custer counties—J. W. Nowlin, Rapid City, Pennington County. Tenth District, Lawrence and Mandan counties—W. A. Rinehart, Lead City; E. M. Bowman, Minnesella; A. A. Choteau, Minnesella, Lawrence County. Eleventh District, Pembina, Cavalier and Rolette counties—N. E. Nel-

son, Pembina County. Twelfth District, Grand Forks, Tull and Walsh counties—G. P. Harvey, Grafton, Walsh County; O. M. Towner, Larimore, Grand Forks County. Thirteenth District, Cass and Richland counties—John C. Pyatt, Wahpaukon, Richland County; L. J. Alfred, Tower City, Cass County. Fourteenth District, Barnes, Ransom, LaMoure, Stutsman, Griggs, Foster, Sully, Kidder, Howard, Burleigh, Sheridan, Stevens, Renville, Mouminville, Wallette, Williams, Mercer, Morton, Stark, Billings, Emmons, Logan and Ramsey counties—E. A. Williams, Bismarek, Burleigh County; B. W. Benson, Valley City, Barnes County. E. P. Phillips and William Lamb presented notice of contest for the seats of the Seventh District.

Chief Justice Edgerton then administered the oath of office to the members, after which prayer was offered by Rev. J. G. Travis, of the Baptist Church, Yankton.

The House then organized by electing E. A. Williams, of Burleigh County, speaker, and T. A. Kingsbury, of Codington, chief clerk; assistant clerk, E. T. Cressey, Beadle County; enrolling and engrossing clerk, A. Sheridan Jones, Hutchinson County; sergeant at arms, Judson LaMoure, Pembina County; messenger, Philip Clark, of Moody County; watchman, Peter Bjorgun, Union County; chaplain, Rev. J. G. Travis, Yankton County.

The oath of office was administered to the officers by Chief Justice Edgerton; the customary committees to inform the governor and the Council of the organization of the House were appointed; whereupon the House adjourned until the following day.

Governor Ordway's message was delivered in person to the Legislature in joint session, on the second day. The message follows:

Gentlemen of the Council and House of Representatives:

In compliance with the laws of Congress and territorial enactments, you are assembled to enter upon your duties as members of the Fifteenth Legislative Assembly.

Under the provisions of the Organic Act "the legislative power in each territory is vested in the governor and Legislative Assembly." It therefore becomes my agreeable duty as the executive of the territory to welcome you to the capital and congratulate you upon the favorable auspices under which you are assembled. Also to express satisfaction at the pleasant and comfortable appearance of your new legislative halls.

Public duties at the national capital and the serious illness of members of my family in a distant portion of the country, have so engrossed my time during the past month, that this, my second biennial message, will not be so extended as I otherwise should have desired.

I shall however briefly lay before you the condition of public affairs in the territory, and earnestly renew some of the recommendations made in my message to the Fourteenth Legislative Assembly which remained unacted upon at the close of the last session.

Printed copies of my first biennial message will be laid before you, to which I shall have occasion to frequently call your attention in this communication.

The period formerly fixed by Congress for the transaction of legislative business was extended by the last Congress from forty days to sixty days. You will therefore have more ample time for considering questions of a public nature, and to revise some of the hasty and imperfect enactments now encumbering our code of laws.

In this connection I may be pardoned for suggesting that in view of the near approach to statehood, it would be well to take up the public business early in the session, carefully revising all doubtful enactments, and so adjusting the laws of the territory that no member in either house of Congress can justly make our laws a cause for substantial objection to statehood.

With the view of co-operating in the early consideration of public business, and as some of the territorial appointments have been made to fill vacancies existing under the code to the end of the session, I shall defer the nominations of territorial officers to a later period of the session than has been usual in sending names to the council.

During the two years that have elapsed since the meeting of the last Legislature the people of all sections of the territory have enjoyed unexampled prosperity. Our population has increased from 15,000 to nearly three hundred thousand. Our taxable property has increased from \$20,000,000 to \$80,000,000. The agricultural and mechanical developments have fully kept pace with this remarkable growth of property and population.

The territorial finances are in a most satisfactory condition as the abstract of the report of the territorial treasurer shows.

## TOTAL RECEIPTS AND DISBURSEMENTS FOR FISCAL YEARS 1881 AND 1882

## RECEIPTS

Balance in treasury, December 4, 1881.....	\$ 1,905.73
From counties, 1881 .....	55,915.86
From the counties, 1882 .....	102,005.93
From railroads, 1881 for 1880 tax .....	22,583.89
From railroads, 1882 for 1881 tax .....	35,614.39
From telegraph companies, 1882 .....	518.55
From sale Insane Hospital bonds, 1881 .....	41,540.00
From sale of penitentiary bonds .....	51,522.50
From insurance company for loss on Insane Hospital.....	3,000.00
From insurance company for loss on Insane Hospital .....	3,000.00
From sale of codes, 1881 .....	70.00
From sale of codes, 1882 .....	65.00
From sundries, 1881 .....	135.65
Total .....	\$314,878.00

## DISBURSEMENTS

For auditor's warrants, 1881 .....	\$ 77,434.57
For auditor's warrants, 1882 .....	151,116.82
For interest on warrants, 1881.....	1,693.57
For interest on warrants, 1882 .....	693.00
For interest on Insane Hospital bonds, 1882 .....	2,400.00
For interest on penitentiary bonds, 1882 .....	1,920.00
For counties proportion railroad tax, 1881 .....	13,690.00
For counties proportion same, 1882 .....	22,250.94
For exchange and express charges, 1881 .....	66.55
For exchange and express charges, 1882 .....	148.65
Balance in treasury, Nov. 30, 1882 .....	43,463.90
Total .....	\$314,878.00

## ASSETS OF THE TERRITORY, NOVEMBER 30, 1882

Balance of the general fund .....	\$ 41,149.29
Balance in Insane Hospital construction fund .....	.68
Balance in penitentiary construction fund .....	2,313.93
Total .....	\$ 43,463.90

## LIABILITIES OF THE TERRITORY, NOVEMBER 30, 1882

Insane Hospital bonds, May, 1881 .....	\$ 40,000.00
Penitentiary bonds, May, 1881 .....	50,000.00
Total .....	\$ 90,000.00

The auditor's report as will be seen from the following abstract, shows an equally favorable financial condition of the territory:

Total amount of warrants issued \$206,371.50, upon the following accounts:

Salary of superintendent and matron, Insane Hospital, to Feb. 22, 1881 .....	\$ 224.90
Salary of steward for same time .....	168.75
Condensed funds for same time .....	4,380.79
Construction funds for same time .....	41,539.82
Maintenance insane from Feb. 22, 1881.....	13,302.43
Salary of superintendent, same time .....	2,662.50
Compensation of trustees .....	6,188.00
Salary of steward, same time .....	2,130.00
Salary of matron .....	887.35
Pay of employees .....	6,949.28
Fuel and lights .....	2,500.00
Incidentals .....	907.99
Drugs and books .....	1,418.32
Farm improvements .....	2,446.85
Hospital improvements .....	4,469.30
Construction territorial penitentiary .....	49,588.90
Directors' fund .....	4,277.65



Pay of employees .....	4,081.7
Subsistence and clothing .....	1,250.00
Removal dead bodies from Insane Hospital grounds.....	500.00
Deaf Mute Building, Sioux Falls .....	2,000.00
Support of deaf mutes, Sioux Falls and Iowa.....	2,478.54
Printing reports of territorial officers .....	248.00
Printing school laws .....	150.00
Engrossing clerks, fourteenth session .....	154.00
Purchase of Revised Codes .....	2,700.00
Purchase of books, territorial library .....	52.87
Rent of rooms, territorial library .....	400.00
Care and custody, territorial library .....	500.00
Insurance on territorial library .....	120.00
Auditor's salary and office rent .....	1,856.25
Treasurer's salary and office rent .....	2,035.41
Salary, superintendent public instruction .....	1,200.00
Mileage, same .....	345.15
Stationery and postage same .....	233.45
Salary, district attorney, First District .....	2,000.00
Salary same, Second District .....	2,000.00
Salary same, Third District .....	2,000.00
Salary same, Fourth District .....	2,000.00
Transportation of convicts .....	14,236.60
Transportation of insane .....	12,794.92
Support of blind .....	1,162.40
Support of convicts, Detroit, Mich. ....	9,560.49
Absent of entered land .....	1,513.60
Return of fugitives from justice .....	548.90
Miscellaneous .....	1,954.96
<b>Total .....</b>	<b>\$206,371.50</b>

Warrants issued on account of construction of hospital for insane and territorial penitentiary have been paid out of funds realized from sale of bonds issued by act of Legislature for this purpose.

Warrants issued by act of Legislature, February 22, 1870, amounting to \$14,176.22, bearing 8 per cent interest, reported as outstanding in last report, have been redeemed by the territorial treasurer.

There remains unpaid \$1,523.40, a warrant issued on general fund being the total outstanding indebtedness of the territory.

There is also outstanding \$40,000 of 6 per cent bonds issued on account of construction of the Hospital for the Insane, and \$50,000 6 per cent bonds issued on account of construction of the penitentiary, making a total bonded indebtedness of \$90,000.

To offset the above indebtedness, the territory has resources amounting to \$43,433.99, but from which the current expenses of the territory must be met. The details of all the financial transactions of the territory are very carefully and accurately set forth in the comprehensive reports of the territorial treasurer and auditor herewith transmitted and to which your attention is called.

The Hospital for the Insane which was commenced through the liberality of Governor Howard to meet a pressing emergency, has by acts of the last Legislature become a creditable and permanent institution. The new brick and comparatively fireproof hospital buildings were so far completed when the wooden structure was consumed by fire on the 24 of last April, that the patients were promptly transferred to the east wing and made comfortable at very slight expense. The report of the superintendent shows that the average cost of support of patients during the past two years has been about a dollar and seventy five cents per week, and that the average number of patients who have fully recovered has been larger than at most other similar institutions. The necessity for increased accommodations for the insane, with the detailed method of treatment, is fully set forth in the reports of the medical superintendent, steward and matron, to which your attention is invited.

Then follows an account of the opening of the penitentiary in 1882 by the directors and the formal and official opening, the proceedings of which are given in the proceedings of this legislative assembly, the members of which participated in the ceremonies.

**CARE OF THE BLIND.**—The care of the blind has been committed to an Iowa college at Vinton, Iowa, under an arrangement made with my predecessor, at which place three pupils have been supported and educated during the past two years, at an average cost of \$210 for each pupil per annum. (The amount stated seems too low for such service and may be an error of the printer.)



A reference to the agricultural college located at Brookings by the last Legislature is made, and the recommendation made that the Legislature memorialize Congress for a grant of land for the institution.

The Dakota University established at Vermillion under the laws of the territory, and the Yankton College, located at Yankton, are both so far approaching completion that they will be ready for occupancy during the next season. In view of the probable opening up of the Big Sioux Reservation, I would recommend that the Legislature memorialize Congress for grants of land to aid both these institutions.

**SCHOOLS.**—(Reports from the various counties regarding the condition and number of the schools had been very meagre and unsatisfactory, barely half of them complying with the law, due probably to the general conditions arising out of the remarkable immigration to the territory. That the schools were prospering could not be gainsaid, but they were overcrowded, details of management by the officers of the districts greatly overlooked and neglected, and the law which provided for the district system strongly condemned. The township system, the system practiced in New England and which had gained for that section such universal commendation, was urgently recommended, and stoutly supported by the territorial superintendent, General Beadle. "Whatever shall be your final views as to the system and change from the present plan, there can be no question of greater importance which shall require your attention than the subject of public education.")

The subject of changing county lines was discussed, also the refunding of county bonds and other bonds, and the territorial militia.

**ADMISSION AND DIVISION.**—There are now pending in both houses of Congress, bills providing a comprehensive enabling act for dividing the territory by the admission of the southern half as a state, also a bill to divide the territory substantially on the same line. It is not denied that the southern portion of the territory has the requisite population, if living in a state, would be entitled to a member of the House of Representatives. It is not denied that the amount of taxable property in the southern portion is fully equal to any territory that has been admitted as a state. There is very little doubt that a majority of the members of the Senate and House of Representatives are favorable to the passage of the enabling act referred to, yet during the limited number of days before the expiration of the present Congress the opponents of division and admission may prevent action and thus delay the matter until the assembling of the next Congress. If this delay should occur, I deem it of the utmost importance that this Legislature should memorialize Congress to increase the membership of the council to twenty-five, and the membership of the House of Representatives to seventy-five. That an act providing an additional United States judge for the territory be passed and that Congress make more adequate provisions for the protection of the school lands.

If on the other hand admission and division should be secured before the close of the present session of Congress, grave responsibilities will devolve upon the members of the Territorial Legislature in preparing for transition from territorial to state government.

**NORMAL SCHOOLS.**—Provision was made by the last Legislative Assembly for the organization of several normal schools on condition that suitable parcels of land for their location should be deeded to the territory within a given period. But one or two of these proposed institutions have complied with the requirements of the law for their organization and but one so far as I am aware has been put in operation.

While I would cheerfully recommend donations of lands by the general Government to aid a reasonable number of normal schools, I cannot approve of legislation looking to any other use of the lands set apart by the general Government to establish a grand common school educational system than that contemplated in the act of Congress.

**FLOOD OF 1881.**—During the latter part of the legislative session in March, 1881, the snow blockade had become so complete that railroad communication was cut off in portions of Central and Southern Dakota and appeals were made to the executive and some members of the Legislature for assistance.

The Legislative Assembly did not, however, deem it expedient, to place any means at the disposal of the executive to meet the existing or probable future emergency.

Then follows quite a lengthy account of the flood substantially as related in the chapters devoted to the year 1881.

**IMMIGRATION, ETC.**—The vast volume of correspondence constantly flowing in upon the executive, the secretary and other territorial officers, calling for statistical information in regard to the extent and resources of the territory for which no provision has been made to supply or to even pay the postage to answer this large correspondence, constrains me to urgently renew the recommendations made on pages twenty-four and twenty-five of my last biennial message, for the formation of a commission of three persons, members to be

known as the "board of immigration, mining and agriculture." As suggested in the previous communication to which I have referred, this board could be made up of persons whose experience and qualifications could fit him to prepare statistical information to be sought for by officials and persons from different sections of the country as well as by new settlers.

One member of the board could be selected whose knowledge and experience in mining would enable him to prepare for publication and distribution reliable information in regard to the mineral resources of the territory, including regions supposed to contain deposits of coal. The other or third member of the board should be a person whose practical experience and education would fit him to prepare for publication and distribution reliable information in regard to the quality of the soil and its capacity for producing cereal or ordinary farm products, its adaptability for stock raising with specific information in regard to the localities best adapted to the different classes of agricultural developments.

The expense incident to the establishment of this commission need not be large and I am quite sure that the beneficent results which it would accomplish would increase the revenues of the territory much more than its cost.

**OPENING OF THE BIG SIOUX RESERVATION.**—By an act of Congress, approved May 7, 1882, an appropriation of \$5,000 was made to enable the secretary of the interior to negotiate with the Sioux Indians for such a modification of existing treaties and agreements as would result in opening up to settlement, under the homestead laws, a large section of the country between the Missouri River and the Black Hills counties.

In pursuance with this act of Congress, Hon. H. M. Teller, secretary of the interior, appointed a very able commission, consisting of ex-Gov. Newton Edmunds, ex-Chief Justice Peter C. Shannon and James H. Teller, to carry on negotiations with the various Indian tribes for the cession of such portion of their reservation as they might desire to cede to the Government.

This commission has entered upon and prosecuted negotiations with the chiefs and headmen of the principal tribes with marked success, and from present advices received from the secretary of the interior, and the commissioners, it appears highly probable that a large area of valuable land will be opened up for settlement under the homestead laws at an early day. This subject is brought to your attention with the view of ascertaining whether any legislative action may be required.

**TREE CULTURE.**—The well intended act of Congress, allowing the entry of 160 acres of land as a tree claim, have been so completely nullified by the manipulation of land sharks that our broad and fertile prairies are comparatively treeless. I fear no adequate remedy for this abuse is provided by Congress, and I would suggest the propriety of legislation exempting a certain number of acres from taxation to encourage the growth of trees on every homestead.

The message recommends that the office of territorial attorney be provided for, and argues that the rapid growth of the territory in population and the establishment of new counties, demands an officer in the judicial department who will be able to advise the various officers of the territory on doubtful questions and appear for the territory in cases in court where the territory is interested.

The message reports the number of pardons granted. It also recommends amendment of the election law concerning the canvassing of votes for members of the Legislature and county officers. The message further comments:

I am of the opinion that the Crawford County system of holding primary elections, conducted under judges legally appointed and made subject to penalties, where all electors can have opportunity to vote for the candidates of their choice, would be a long step toward securing an absolutely fair vote, and an unquestionably honest count at all elections.

The message in closing comments briefly on the subjects of "marriage and divorce," the territorial library, and recommends to the close examination of the members the various reports from the public institutions.

**CONCLUSION.**—Members of the Council and House of Representatives. In closing this communication, permit me to express the hope that the work submitted to our hands may be well done, and that as co-workers in preparing the foundation for statehood, our mutual relations may be pleasant and agreeable.

N. G. ORDWAY, Governor.

The territorial penitentiary, the construction of which was authorized by the session Legislature of 1881, at Sioux Falls, having been completed and occupied as the territorial prison, was formally accepted by the territory during a visit made by the governor and members of this Legislative Assembly, on Monday, January 15th. The school for deaf mutes was also in operation at the Falls at

this time, under the superintendency of Professor Simpson. The territorial university at Vermillion was then under construction, and was officially visited by the Legislative members during the same trip.

Hon. James H. Teller was secretary of the territory.

In the contest for the seats in the House from the Seventh District the contestants, Lamb and Philips were given the seats occupied by Schafer and Hauser. The Seventh District included the counties of Hamlin, Deuel, Grant, Codington, Clark, Spink, Day and Brown.

Mr. Donaldson, councilman from the same district, was also unseated, and the place given to Elias McCauley, of Spink County.

A bill providing for the removal of the capital of the territory from Yankton was passed at this session, and while it was not the most important measure affecting the welfare of the territory generally, it attracted widespread interest, not only among Dakotans, but abroad in the communities of neighboring states. The capital had been at Yankton since the territory was organized, a period of twenty-two years, but the time had come when Yankton was no longer centrally located as to population—in fact it had within two or three years been left so far to one side that it could no longer lay any reasonable claim to the retention of the seat of government on that score, except such claim as was warranted at the time by the situation of territorial affairs brought about by the rapid growth in population and material development of the territory. It had the same interest as other communities that the capital should be placed, as it was when it was located at Yankton, in a suitable location where it would accommodate the greatest number of the people and subserve the best interests of the territory.

This Legislature, however, had not been elected with any view that it would remove the capital; the people had expressed no sentiment on the subject, and no choice had been indicated of the point to which it should be removed. Governor Ordway had, however, agitated the subject during his term, and it was well understood that he was favorable to the change if the point selected for it should meet with his favorable opinion, and he expected to have a potent voice in the selection of this point.

There was general expectation at the time that the territory would be divided by Congress on the line of the 40th parallel of north latitude, or on the 7th standard parallel, and the people had been so confident of this that the Legislatures of 1881 had provided in the near future for duplicate public institutions for that portion of the territory north of the parallel mentioned. And in case Congress should refuse to divide the territory, there was no shadow of doubt that it could be admitted as a state by making the demand, for its population at the time was 295,468, at least one hundred thousand more than sufficient to entitle it to statehood. In the southern half the population had reached 205,000, and in the northern half 90,048, based on authentic information. But the interior of the territory was but sparsely settled, as is evidenced from the legislative apportionment of the members of the Legislature which passed the act for removal, and it was therefore impracticable to select a more central and at the same time accessible and suitable location for the capital.

Then again, if the territory should be divided, as was so confidently anticipated, settlement and development had not progressed so far in either section as to warrant the location of the capital with any certainty that it would be placed at a point that would be generally satisfactory. Neither section of the territory, therefore, was prepared for a re-location of the seat of government. It had, however, been a favorite hobby of Governor Ordway, during a greater part of the three years that had passed since he became governor that the capital should be removed to a more central location. He had not been in the territory a great many months before he discovered the great mistake that had been made by locating it so far away from the people, and possibly he was somewhat indignant that the rights and conveniences of the people had been so flagrantly ignored by their pioneer representatives. He claims to have been sent to the territory and admonished by



the President and his cabinet officials to correct such abuses and he was not the man to neglect such an opportunity as the removal presented with its promise of a fruitful harvest to those who could secure a ground floor position in the site of the new capital.

#### CAPITAL REMOVAL

The first formal legislative movement in that direction was taken by Councilman George H. Walsh, of Grand Forks, who, about the first of February, introduced a bill to locate the seat of government of the territory, and to provide for the removal of the records and other property to the seat of government. This bill proposed to remove the capital to Huron.

It appears that the Huron bill was not taken seriously by the Legislature. Even the representative from Huron and the councilman from that district, knew nothing about it, nor were the people of Huron advised, though greatly gratified—so much so that when informed of Mr. Walsh's appreciative testimonial in their behalf, a delegation of pioneers of the place braved the wintry blasts and the hardship of a 150 mile overland trip on the emigrant trail to the capital at Yankton, to lend a helping hand in its promotion, deeming it sincere. This manifestation of a desire to help the good cause along was human as well as Huron nature, under the circumstances. At the time, the Huron press and people censured Mr. Sterling, their representative, for his laxity and want of enthusiasm in their favor; but they did not realize, as Mr. Sterling did, that there was a scheme behind the movement and that Huron had been selected as a figurehead to conceal their real purpose.

The bill was referred to a special committee of which Mr. Nickeus was chairman, with Messrs. Walsh, Burdick, Jerauld and Ziebach. Ten or twelve days later this bill was reported from the committee adversely, and the bill was considered in committee of the whole, which committee reported adversely and was sustained by the Council. Mr. Walsh, however, through the friendly offices of the president of the Council was able to have it again referred to the same special committee.

These preliminary movements, including the most formidable one, that of Huron, failed of substantial encouragement, and the capital removal matter had apparently been abandoned after having the floor for nearly fifty days of the session. It would, however, appear from the completeness of the commission plan, which was finally adopted, that it had been some time in incubation, and was probably brought down from the Northern Pacific headquarters at Bismarck, fully worked out on paper, by Meek McKenzie, who had been at the capital a couple of weeks making the acquaintance of the members of the Legislature, and who was the power behind the throne of the commission plan bill. The legislative history of this remarkable, and to some extent, original scheme, is gathered from the legislative proceedings where it is found that on the fiftieth day of the session, Johnson Nickeus, councilman from Jamestown, Stutsman County, chairman of the committee, reported the Huron bill (Council Bill 51) without recommendation, and at the same time presented the following resolution:

Resolved, That the President appoint a committee of five, to whom shall be referred Council Bill 51, providing for the removal of the capital. Said committee is authorized and directed to enquire:

First, Is it expedient to remove the capital from its present location? If yes, then in what manner shall another site be selected and located; and

Second, To what point in the territory shall the capital be taken; and

Third, What inducements will be offered the territory for its location at a point the committee may recommend, or a proper and convenient place; and it is hereby made the duty of the committee to give a reasonable hearing to all persons interested in the removal of the said capital, and to report to the council its recommendation, either by bill or otherwise, at an early date.

Mr. Walsh moved the adoption of the resolution, and it was adopted by a vote of seven to five, though one uncompromising opponent of removal voted for



it. The chair appointed as the committee Messrs. Nickeus, Walsh, Burdick, Ziebach and Jerauld—the latter, however, withdrew and suggested Mr. Dewey, of Yankton, in his place, which was conceded.

This action was the opening gun of the plan of the syndicate headed by Alexander McKenzie, of Bismarck, who was then visiting the Legislature to place the removal and the new location in the hands of the capital commission.

This committee held two or three meetings of a public character for the purpose of receiving proposals from any towns or persons who desired to contest for the honor of the capital location. This committee did not report, but on the 2d of March, the fifty-second day of the session, Mr. Allred, of Fargo, introduced in the House the capital commission bill, which is here given substantially as it was introduced, except that after its introduction some of its supporters refused to vote for the bill unless the names of the commissioners, which had been agreed upon by the governor, McKenzie and the remainder of the syndicate were inserted in the law. These parties had already begun to distrust the governor and they were unwilling to give him a chance to betray them, which they felt he might do under some plausible pretext. The commissioners were therefore placed in the bill to save it, though as the bill was originally drawn and introduced the names were omitted.

The members of the commission were said to have been selected with the view of securing the necessary number of councilmen (seven), to pass the bill in the council and the two who had been the most difficult to win over had been Jerauld, of Lincoln, and McCauley, of Spink counties, but they were finally obtained.

For members of the commission McCauley selected Dr. Charles H. Meyers, of Spink County, under a pledge he claimed that the new location should be south of the 46th parallel. Jerauld selected Henry H. DeLong, of Lincoln County, said to have been a near relative, and also had a county named for himself. Governor Ordway selected Alexander Hughes, of Union County, at the time register of the United States Land Office at Yankton, and also secured the confirmation of his son George as territorial auditor. Alexander McKenzie was undoubtedly selected by himself as he was the head of the whole scheme, though the selection was credited to Councilman Nickeus, of Stutsman County. McKenzie also selected John P. Belden, of Deadwood. Burdick, of Clay County, selected M. P. Thompson, of Vermillion. Scobey, of Brookings, president of the Council, selected George A. Mathews, of Brookings. Councilman Walsh selected Milo W. Scott, of Grand Forks. Councilman Roberts, of Cass County, selected Burleigh F. Spaulding, of Fargo. The Agricultural College for the northern half of the territory was also located at Fargo.

The members of the House, who required an inducement to vote for the bill had a share in the minor places connected with public institutions, to be given to their friends, of which there were about fifty. And in addition the new counties whose boundaries were defined and which received distinguished names, were Benson, McAuley, Edgerton and Inman, Butte, Delano, Scobey, Pyatt, Jackson, Sterling, Nowlin, Fall River, Faulk, Potter, Foster, Hyde, Harvey, Jerauld, McLean, McIntosh, Nelson, Nickeus, Roberts, Sanborn, Sargent, Schnasse, Stanley, Steele, Towner, Rolette, Villard, Bowman, Ewing, Burdick, Dunn, McKenzie, Wallace, Allred, Flannery, Buford, Hettinger, Washington, Martin, Wagner, Rinhardt, Choteau, Washabaugh, Wynn, forty-eight in all.

The members of the Legislature were not the only parties who were plagued with a sentiment of distrust, for the governor was apprehensive that he might be cheated of some of the perquisites he had set his gubernatorial heart on. He was desirous of securing the office of territorial auditor for his son, and knew that the appointment would be quite distasteful to many of the councilmen which body could defeat the appointment by refusing to confirm it. It was the most important appointment, considered in connection with the financial affairs of

the territory and particularly the capital commission, of any and the salary was a liberal one. There were a number of appropriation bills and bond bills pending designed for the new public institutions which the capital commission scheme had found necessary for the development of the territory to meet the growing demands of the people, and as these would require the approval of the governor in order to become valid, the governor possibly felt that the confirmation of his son would be more certain if he should make the appointment before these measures were presented for his approval. Accordingly about two weeks before the Legislature adjourned, he sent the nomination of George L. Ordway to be territorial auditor, and Wm. H. McVay, to be territorial treasurer to the Council for confirmation. **Mr. McVay was promptly confirmed; but the other encountered much opposition and aroused quite a struggle.** The phantom of a veto of many of the cherished bond and other bills saved the day, however, for the son, and he was finally confirmed by the narrowest margin. There were in the neighborhood of fifty appointments to be made, but the others were allowed to rest to be given out to those whose merits, at the close of business at the end of the session, **would entitle them to a reward.**

The capital commission bill passed the House on the fifty-fourth day of the session by a vote of fifteen to seven. Those voting for it were Messrs. Alfred, of Cass County, Benson, of Barnes, Bowman and Choteau, of Lawrence, Ellis, of Union, Harvey, of Walsh, McCallister, of Moody, Nelson, of Pembina, Pyatt, of Richland, Sterling, of Beadle, Thompson, of Minnehaha, Tower of Grand Forks, VanWoert, of McCook, Wagner, of Bon Homme, and Mr. Speaker (Williams, of Bismarck).

The opposing vote was given by Messrs. Inman, of Clay, Nowlin, of Pennington, Phillips, of Brown, Rice, of Lake, Robinson, of Bon Homme, Tychson, of Turner, and Wynn, of Yankton.

These proceedings were had on the 3d day of March, the fifty-fourth day of the session, and on the fifty-seventh day the bill reached the Council and was given its first reading, and referred by the president to the special committee who had charge of the original proposition. An earnest effort was made by the minority to refer it to the regular committee on territorial affairs, but the chair overruled all such attempts and placed it where it would do the most for the promoters, and insure speedy action. On the fifty-eighth day it was considered in Committee of the Whole, and amid much parliamentary confusion and wrangling, Mr. Scobey, of Brookings, being president. A number of other measures were considered in Committee of the Whole at the same session, and it was presumed that they were all favorably reported, for later in the day, May 7th, several hours were spent filibustering over the commission bill. Finally, an amendment offered by Mr. Dewey, requiring the location by commission to be ratified by a vote of the people, was carried by a vote of seven to five, McCauley voting for it, with Jackson, Dewey, Jerauld, McIntosh, Washabaugh and Ziebach—seven. Nays, Burdick, Nickens, Roberts, Walsh, and Mr. President (Scobey) 5.

The chair was sufficiently astute to realize that there had been a disastrous mistake made in the vote on that particular amendment—it meant the certain defeat of the whole scheme—and he delayed announcing the vote, giving Mr. Nickens an opportunity to visit Mr. McCauley and whisper a few words in his ear which induced McCauley to change his vote to nay, making the result six to six. As this move defeated the motion of Mr. Dewey for a vote on the bill by the people, the chair breathed with more freedom, and declared the amendment lost. Great is parliamentary law. This was followed by a number of dilatory motions, and finally the bill was passed by a vote of seven to five. Those voting for it were Messrs. Burdick, of Clay, Jerauld, of Lincoln, McCauley, of Spink, Nickens, of Stutsman, Roberts, of Cass, Walsh, of Grand Forks, Scobey, of Brookings, the president. Those voting nay were Messrs. Dewey, of Yankton, Jackson, of Minnehaha, McIntosh, of Aurora, Washabaugh, of Lawrence,

and Ziebach, of Bon Homme, five. The governor approved the bill and it became a law.

It will be observed that none of the plans for removal received anything like a united support, and it is safe to infer that none of them promised the result which was finally attained; for a bill that proposed to locate the capital at Bismarck would in all probability have received no votes from the southern half of the territory, including the Black Hills, and from sentiments expressed by members it is doubtful that it would have been unanimously supported by the northern members. It was therefore necessary to reach this purpose by indirection, and the capital commission was finally evolved for the purpose. The only argument used against Yankton was that it had ceased to be the center of population. That other points, more central had now been founded and were growing into prominence. McKenzie, however, did not waste any words or time in argument, and if he had he would probably have avoided the question of center of population. He had more potent inducements to offer.

It is probable that the Northern Pacific Railroad interest had considered the removal, if it could be brought to a point on their line, for it would insure quite an addition to their traffic, and subsequent events tend to confirm that the potent influence observed in the proceedings was one that commanded the obedience of all the northern members, the selection of McKenzie to take charge of the manipulation of the scheme at Yankton, who came to the capital in the capacity of general manager of the capital removal proceedings and immediately became the closest companion and confidential friend of the executive, were matters of public notoriety. McKenzie's "O. K." was essential in many cases to allay executive opposition to the measures promoted by members. His generalship, his lavish liberality, his blandishments at times, his audacity at others, were evidence that he had with him the "power behind the throne," and was its accredited agent.

Yankton necessarily occupied a prominent position in the discussion of the capital removal question. It was conceded without argument that the capital would be placed in a more central location now that the territory had become practically occupied by inhabitants in every quarter, but as the territory was supposed to be on the eve of division, the general opinion held that the removal should be deferred until that event was accomplished. It was the indirect and corrupt methods pursued in securing the legislative authority that was so unanimously condemned by the press and people, and it would seem from a review of the comments of the contemporaneous press, that a unanimous voice was raised in indignant protest against it, and the most cogent of this, and the bitterest invective, came from a score of sources that may have never visited the old capital.

The office of attorney general, already practically supplied by the United States Government in the office of United States district attorney, was one of the new luxuries imposed on the territory because of the presumed necessity which existed for a capital commission, and was virtually attached to that august body. Alexander Hughes being appointed attorney general by Governor Ordway, at a salary of \$2,500 a year, also became president of the capital commission at a salary of \$6 a day, giving him a per diem of \$14 a day for each working day in the year—the said over-burdened official reserving Sunday for his devotional exercises. The attorney general bill was house file 231, and was introduced in the House by Representative Ellis, of Union County; it made its way through the Legislature and reached the governor on the last day of the session, which would indicate that it was designed to supplement the capital commission bill.

There was a remarkable outburst of indignation throughout the territory, as gathered from the expressions of the newspapers, as soon as it became known that the law had passed, and even while it was pending. The Legislature, however adjourned, the day following the enactment of the law, and the members had gone to their homes where the censuring comments had their origin. Many pages might be filled with these denunciatory newspaper articles, which were



expressed in all shades of unfavorable criticism, not only openly denouncing the law, but those who had been instrumental in procuring its passage, including the governor, as a gang of bribe givers, bribe takers, and much worse. A list of the papers so expressing these sentiments, is here given, showing that nearly every newspaper in the territory of all shades of politics, saving those at Bismarck and Huron, were as one, in condemning the act, which was commonly denominated a most brazen villainy, and one of the most flagrant ever endorsed by a legislative body.

As a gauge of public sentiment regarding this method of removing the capital, and spontaneously expressed, at least within a week or two after the adjournment of the Legislature, it was ascertained that it was condemned in emphatic terms by the:

Canton Advocate, Lincoln County; Grand Forks News, Grand Forks County; Fargo Republican, Cass County; Fargo Argus, Cass County; Egan Express, Moody County; Scotland Citizen, Bon Homme County; Brookings Sentinel, Brookings County; Elk Point Coyote, Union County; Press, Brookings County; Times, Walsh County; Capital, Jamestown, Stutsman County; Enterprise, Flandreau, Moody County; Press, Sioux Falls, Minnehaha County; New Era, Parker, Turner County; Post, Fargo, Cass County; Republican, Fargo, Cass County; Advocate, Aurora, Brookings County; Herald, Flandreau, Moody County; Review, Milbank, Grant County; Times, Lake Preston, Kingsbury County; Plaindealer, Grand Forks; Pioneer, Deadwood, Lawrence County; Register, Salem, McCook County; Register, Chamberlain, Brule County; Herald, Iroquois, Kingsbury County; Sentinel, Madison, Lake County; Herald, Milwaukee, Wis. Pioneer Press, St. Paul, Minn.; Press and Dakotian, Yankton; Dakota Herald, Yankton; Free Press, Bramhall, Hyde County; Times, Springfield, Bon Homme County; Sun, Redfield, Spink County; Journal, Rapid City, Pennington County; Courier, Watertown, Codington County; Leader, DeSmet, Kingsbury County; Times, Deadwood, Lawrence County; Chronicle, Custer, Custer County; Republican, Aberdeen Brown County; Exponent, Dell Rapids, Minnehaha County; Pioneer, Meriden, Brown County; Free Press, Plankinton, Aurora County; Herald, Grand Forks, Grand Forks County; Express, Egan, Moody County; Express, Pembina, Pembina County; Pioneer, Larimore, Grand Forks County; Farmer, Howard, Miner County; Advocate, Plankinton, Aurora County; Leader, DeSmet, Kingsbury County; Dispatch, Redfield, Spink County; News, Lake Preston, Kingsbury County; News Letter, Milbank, Grant County; Sentinel, Marion, Turner County; New Era, Parker, Turner County; Letcher Blade, Letcher, Davison County; Clark County Record, Clark; Argus, Sioux Falls, Minnehaha County; Canton Star, Lincoln County. Fifty-nine in all.

A brief extract from one of many well tempered articles follows:

The governor, Alexander Hughes, and other prominent capital removers, evidently mis-calculated the temper of the people on the subject, or they would never have braved the tempest of denunciation now hurled at them from every quarter of the broad territory.

#### Comment by Parker, New Era:

Among all our numerous Dakota exchanges we fail to find one newspaper that upholds N. C. Ordway and the corrupt syndicate who lay their plan on the floor of the capital. Individually, we were in favor of the removal of the capital, but wanted to see it done honestly and in the interest of the territory.

There was less indignation among the people shortly after the bill passed, than later. This was due to the numerous communities visited by the commission on their railroad journey and part of the Ordway plan to keep the people in an expectant mood, anticipating that their indignation would moderate as the days passed, and that the rival communities would find some gratification in the disappointment of their fellow sufferers. It may be safely presumed that all the



points visited where bids were submitted, expected a decision in their favor, and their sentiment was naturally and diplomatically one of impatience towards the opposition to the method of removal. It should have been clear that the few northern people engaged in this piracy would not have located the capital at any point south, where it would have been more difficult to remove than from Yankton; for it was sure to be removed from Yankton, situated as it was on the extreme southern boundary, therefore remaining at Yankton left it in a position ready to be picked up whenever the Legislature so decided. Had Yankton been inclined to contest against its removal, its strongest security was the diversity of sentiment regarding another location. Had a vote been taken by the Legislature which passed this auction plan, no point would have received, probably, more than a fifth of the vote of both houses, except Yankton, which for the reason above stated, was quite secure against a removal by fair means until the question of division of the territory was settled.

It would be a grave injustice to North Dakota and its people to charge them with complicity in this corrupt scheme. It so happened that Ordway, McKenzie, Nickeus, Williams, Walsh, and Roberts were North Dakota men, and certain members of the House were also North Dakota men, and every one of them supported with considerable energy the McKenzie enterprise, but the influence that governed them was not a home influence nor was the subject of capital removal suggested to them until they reached the Legislature and had entered on their duties. No doubt they were easily won for the support of the bill being appealed to by North Dakota leaders who may have explained to them that it was a measure of importance to their section of the territory. This circumstance of itself should have been sufficient to have put such conscientious councilmen as McAuley, of Spink, and Jerauld, of Lincoln, on their guard, the former of whom claimed that his support of the bill was given under a pledge from the leaders that the capital should be located at some point south of the 46th parallel. As Redfield was south of the 46th parallel, what else could such a pledge mean but that the seat of government should be located at Redfield? Mr. Myers did not recover from his disappointment and the shameless manner in which he had been betrayed for many months after the iniquitous prodigy was consummated. The controlling majority of the commission represented probably the Northern Pacific Railroad, and a clique of speculators who were in a position to know what the commission would do in time for their friends to place some investment at the favored point with the view of "unloading" when the grand rise came which would follow a public announcement that the commission, after the most diligent effort and scrutiny into every phase of the momentous problem, had finally concluded that the best interests of the people and the welfare of the territory had been the only objects sought to be accomplished in their final verdict.

In accordance with the resolutions of the commission, the bids for the capital were opened at Canton on the 15th of May, as follows:

Aberdeen, \$100,000 and 100 acres of land; Pierre, \$100,000 and 250 acres of land; Bismarck, \$100,000 and 320 acres of land; Mitchell, \$160,000 and 160 acres of land; Redfield, \$100,000 and 240 acres of land; Ordway, \$100,000 and 320 acres of land, and 100 acres of land for railroad; Canton, \$100,000 and 160 acres of land; Frankfort, \$100,000 and 160 acres of land; Huron, \$100,000 and 160 acres of land; Odessa (Devil's Lake), \$200,000 and 160 acres of land; Steele, \$100,000 and 160 acres of land; Jamestown, \$100,000 and \$5,000 worth of land. (This bid was received after the bids had been opened, and was not considered.)

The commission did not make an award at the conclusion of this meeting, but adjourned to make further investigation of Northern Dakota points, and the propositions submitted by the section.

At this Canton meeting the legal process was served on the members of the board, requiring them to answer the quo warranto proceedings which had been instituted before Judge Edgerton, at Yankton.

The commission met at Fargo, on the 2d of June, and gave its final vote on the location of the capital, as follows:

For Bismarck, Hughes, McKenzie, Scott, Belden and DeLong—5; Redfield, Myers, Spaulding—2; Mitchell, Thompson, 1; Huron, Matthews, 1.

Shortly after the decision in favor of Bismarck, the Jamestown Alert, Jamestown being the home of Mr. Nickeus, on the N. P., said:

Large sales of real estate are being made at Bismarck. It is said Meek McKenzie sold \$250,000 worth yesterday, and that a half million dollars' worth has changed hands within the last couple of days.

June 5th, Governor Ordway was at Mandan, nearly opposite Bismarck, having come over on a special train from Bismarck. He was in company with Meek McKenzie and Aleck Hughes, of the commission. Speaking to an assemblage of Mandan people who had turned out to give him a greeting, the governor said:

Bismarck is a first-class place for the capital. Yankton is too far away and the people are lacking in public spirit. Here you are in the center of the territory. I think you will soon have a railroad from Mandan to the Black Hills and do you know, the location of the capital at Bismarck is going to do as much good for Mandan as for Bismarck itself?

The governor's reference to the center of the territory being near Mandan was a reflection of the new "war cry" that emanated from Bismarck at this time, declaring that "division was dead." The governor had all along opposed division of the territory and hence saw a stronger reason than ever why the territory should be admitted as one state, with the capital centrally located at Bismarck. This new declaration coming from the seat of division in the North, virtually accused the northern people of having been actuated only by a desire to secure the capital for Bismarck, in their long struggle for division. The sentiment was not pleasing, however, to the great majority of the people of the northern counties, and was repudiated by the press of the James and Red River valleys, though in later years it seemed to have an influence in weakening the desire for division in the northern and central counties of the territory.

John B. Raymond, who was at this time the delegate in Congress from the territory, and resided at Fargo, was urged by the Ordway and McKenzie influence to introduce a bill in Congress favoring the admission of Dakota as one state. This he refused to do on the ground that he had been elected upon a platform declaring emphatically for division, and he believed that it was still the sentiment of the people. For this cause the Bismarck leaders, including Ordway and McKenzie, resolved to defeat his renomination, which they succeeded in doing at the convention held at Pierre in 1884.

It was said by the Bismarck Tribune at the time the capital commission decided upon Bismarck for the capital:

We trusted in our magnificent country; the excellence of our location; the size of our bid, the integrity of the commission, and in God, and last, but by no means least, in the pluck and discretion of Alexander McKenzie. To him we owe all honor. His name even was a tower of strength, and in all North Dakota no man could have been found who could have better planned or better executed the work he had in hand. Those who knew him best knew he would not fail. He never fails.

Which confirms the statement that McKenzie went to Yankton equipped to remove the capital to Bismarck and to no other place, and all the swinging around the territory in a railroad train and receiving bids, was mere stage play.

The site for the new capitol building at Bismarck was selected in August, 1883. It had been decided that the main building would be 150 by 60 feet on the ground; and would consist of a sub-story or basement, surmounted with three stories, and would cost in the neighborhood of \$250,000. The date of its completion was fixed at January 1, 1884. The foundations of the building were laid

in August, and on the 18th of the month the directors awarded a contract to Charles W. Thompson, of Bismarck, to furnish material and construct the main building. There were several bids made, Mr. Thompson being the lowest, namely, \$97,000. The plans of the buildings were taken from the capitol of Minnesota, reduced in form, and were furnished by Architect Buffington, of Minneapolis. These plans included the wings of the building, but the commission had concluded to defer the construction of the wings to a later period.

An interesting historical ceremony was the laying of the cornerstone of the new capitol on the 5th of September, 1883. A select assemblage of distinguished guests were present, among them ex-Pres. Ulysses S. Grant, and the German ambassador to the United States, whose title was Baron Von Eisendecher; also the president of the Northern Pacific, Mr. Henry Villard. During the ceremony of laying the stone, Governor Ordway read a brief greeting to the distinguished statesman of Germany, Count Bismarck, as follows:

We believe that this greeting will be welcome, coming from a distant land where so many Germans have found prosperity and happiness, and where your name is honored by all men, and from a city which bears that name, and which has become a center of commerce and civilization, and the capital of a great territory. Proud of our city's name, we are confident that our future career will not be unworthy of your highness, whose brilliant services in war and peace have achieved unity for the German people and greatness for the German empire.

With sentiments of profound respect we subscribe ourselves your highness's obedient servant.

This greeting was afterwards transmitted to Bismarck by the ambassador, to whom it was presented after being authenticated by Governor Ordway and signed by the mayor and councilmen of Bismarck. The German bar ambassador, in accepting it, said:

Mr. Governor—I accept this token of esteem for the German chancellor with gladness and pride. I am glad as the representative of the chancellor in receiving this important testimonial, and feel proud that I have been selected as such. I shall not fail to send the greeting to Prince Bismarck without delay, and I assure you that he will feel honored by such a remembrance from you all and from the city which bears his name. I can only wish for this city that you will make its name sound as well in this your own land, as the name of its prototype sounds in ours.

President Grant then made one of his brief sententious speeches, and was followed by President Villard, whereupon a "big feast," as it is termed in the neighborhood of the Indian country, followed. Not long after the following acknowledgment was received:

Foreign Office, Friedrichsruh, October 27, 1883.

To the Governor of Dakota Territory and Bismarck's Mayor.

Gentlemen: In response to the address of September last, so highly complimentary to myself, I would express my heartfelt thanks. I wish the young city, whose career I shall follow with the greatest interest, the rapid development which its fine situation and the energy and intelligence of its citizens give reason to anticipate.

BISMARCK.

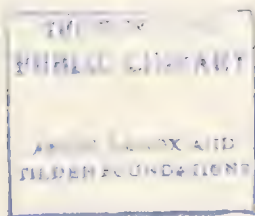
Rev. Joseph Ward, pastor of the Congregational Church at Yankton, had been one of the first trustees of the Yankton Insane Hospital and had been of valuable service in setting the institution on its feet under Governor Howard, and had also accepted the same trust from Governor Ordway, but had resigned when he found that the affairs of the hospital were to be made a football of politics. His Sunday morning sermon, following the adjournment of the Legislature, was based upon the thirty-seventh Psalm, the entire psalm being taken for the text. Governor Ordway and his new attorney-general were present, as was their custom. Mr. Ward read the entire psalm in opening his discourse, a part of which is here reproduced:

Fret not thyself because of evil doers, neither be thou envious against the workers of iniquity,



STATE PENITENTIARY, BISMARCK, 1884





For they shall soon be cut down like the grass, and wither as the green herb.  
 Rest in the Lord, and wait patiently for him. Fret not thyself because of him who prospereth in his way, because of the man who bringeth wicked devices to pass.  
 Cease from anger and forsake wrath. Fret not thyself in anywise to do evil.  
 For evil doers shall be cut off, but those that wait upon the Lord, they shall inherit the earth.  
 For yet a little while, and the wicked shall not be; yea, thou shalt ~~wait~~ <sup>wait</sup> for his place and it shall not be.  
 But the meek shall inherit the earth, and shall delight themselves in the abundance of peace.

The sermon made no direct allusion to the incidents of a local character, at the same time it was plainly intended as a reprimand to that class of iniquities embraced in false swearing, bribe-taking and bribe-giving, betrayal of a public trust, corruption of public servants; the destruction of good government through the pernicious and wicked influences of dishonest public servants. There was a peculiar significance in the discourse given at this time, though such a sermon might with propriety be preached quite often as a fore-warning against wicked practices.

The civil list of Dakota's officials chargeable to the territory had grown rapidly under the fertilizing influence of the Legislature of 1883, and just before the final adjournment the governor sent the following list of appointments to the Council for confirmation. He had already sent in the appointments for treasurer and auditor:

Regents of the University at Vermillion—F. N. Burdick, of Vermillion (four years); J. L. Jolley, of Vermillion (four years); D. Elwell, of Sioux Falls (two years); E. T. Cressey, of Huron (two years).

Commissioners to Investigate the Financial Affairs of Yankton County—H. B. Wynn, C. J. B. Harris, A. W. Barber.

Regents of the University of North Dakota at Grand Forks—E. A. Healey, of Pembina (four years); C. E. Teele, of Grand Forks (four years); James Twombly, of Grand Forks (four years); W. T. Collins, of Grand Forks (two years); R. M. Evans, of Minto (two years).

Directors of the Northern Dakota Penitentiary at Bismarck—Alexander McKenzie, of Bismarck (six years); John A. McLean, of Bismarck (six years); John P. Dunn, of Bismarck (four years); C. A. Lounsherry, of Bismarck (four years); A. W. Edwards, of Fargo (two years); Joseph R. Miller, of Wahpeton (two years).

Directors of the Penitentiary at Sioux Falls—W. L. Dow, of Yankton; George P. Harvey, of Minto; R. H. Booth, of Sioux Falls.

Attorney-General—Alexander Hughes, of Yankton.

Members of the Commission to Consider and Equalize Taxation in the Territory—G. G. Bennett, of Deadwood; C. S. Palmer, of Yankton; F. P. Wells, of Jamestown.

Trustees of the North Dakota Agricultural College—N. K. Hubbard, of Fargo (four years); E. B. Eddy, of Fargo (three years); G. W. Venum, of Jamestown (two years); Walter Brown, of Larimore (one year).

Regents of the Agricultural College at Brookings—George Morehouse, of Brookings (four years); E. P. Smith, of Brookings (four years); J. W. Shannon, of Huron; O. A. Ringsrud, of Elk Point; John A. Owen, of DeSmet.

Directors of the Brookings Agricultural College—W. G. Lockhart, of Brookings; George W. Hopp, of Brookings; George H. Hand, of Yankton.

Grain Inspectors—John Eadden, of Grand Forks; L. E. West, of Yankton.

Trustees of the Deaf Mute Asylum of Sioux Falls—F. A. Sherman, of Sioux Falls; Jonathan Dunham, of Valley Springs; William Vanlyps, of Sioux Falls; N. C. Nash, of Canton; E. B. Dawson, of Lodi.

Trustees of the Yankton Insane Asylum—J. R. Sanborn, of Yankton; F. J. Dewitt, of Yankton; B. R. Wagner, of Bon Homme.

Trustees of the Jamestown Insane Asylum—F. E. James, of Jamestown; Lewis Lynn, of Jamestown; J. B. Hull, of Fargo; M. G. Cushing, of Valley City; George W. Pierce, of Brookings.

#### FORMAL DELIVERY OF THE NEW PENITENTIARY

The new penitentiary of Dakota Territory had been completed and formally opened but a few weeks prior to the assembling of the Legislature in January, 1883; and agreeable to the request of the builders of the institution, and its newly elected officials, and by special invitation of the Chicago, Milwaukee & St. Paul Railway Company, the governor, territorial officers and the members and officers of the Legislature, together with a few invited private citizens, made an official visit to the new institution on Monday, January 15, 1883.

At Sioux Falls the visitors were landed at the prison and spent several hours inspecting it. C. W. Koehler, of the Detroit House of Correction, had been appointed warden. Thirty prisoners from the Detroit House of Correction had been safely removed to the home prison, and were then being cared for. There were a very few prisoners whose terms of confinement would soon expire who were not removed. After the inspection the visitors accepted an invitation from the warden to take a prison dinner. An invocation by Reverend Mr. DOLLIVER, chaplain of the Council, preceded the collation, at the conclusion of which the formal exercises of turning the property over to the territory took place. These consisted of a delivery of the title deeds of the land and the keys of the prison to the executive of the territory, and by him entrusted to the proper officers.

Hon. Thomas H. Brown, of Sioux Falls, chairman of the board of penitentiary directors, initiated these formalities with the following address:

Governor Ordway, on behalf of the board of directors, it becomes my duty to present to you, as the executive of the territory, the keys and title deeds of the Dakota Penitentiary. We may not present for the inspection of the Legislative Assembly so large and fully completed a prison as may be found in some of the states. While we have made plans and constructed a larger and more complete prison than was contemplated when the appropriation was made; we trust we shall be able to show you that no money has been wasted, and that you have received full value for every dollar entrusted to our care. In this connection I may be permitted to say that we would be wanting in gratitude if we should fail to acknowledge the great services which the directors have received from the executive. I also desire to add that to the executive and Legislative Assembly, the directors and officers of this institution should always look for advice and assistance in properly caring for the unfortunate convicts who are to be left within the walls. In the selection of officers, we have sought to transfer the same humane but, firm prison discipline so successfully carried out at the House of Correction at Detroit, from which place most of those now here have been removed.

Governor Ordway then responded with the following words:

Mr. Chairman of the Penitentiary Board: As the executive of the Territory of Dakota, and on behalf of the Legislative Assembly, I receive from your hands the keys of the Dakota Penitentiary, and formally transfer them to the custody of Mr. Koehler, whom the board of penitentiary directors have chosen and who has qualified as warden. The title deeds of the eighty acres of land provided for in the act of the last Legislative Assembly, with the prison and appurtenances, I will now present for the inspection of the officers and committees of the Legislative Assembly now present, after which, if found to be valid, the title deeds to the property will be deposited with the territorial treasurer.

I endorse fully the suggestion that the territory has received full value for every dollar expended under the penitentiary board, and I confess that it is no small satisfaction for me to know that you have built and substantially completed a prison that does honor to the architect, to the superintendent and secretary of the board. It is an imposing structure, made from material that will not wear away nor deface, and I trust will stand long after those of us who are here will have passed away, as a monument of the faithfulness and economy of all who have had the work in charge. An inspection of the interior arrangement and of the prison proper, I trust, will convince the members of the Legislature that the convenience and comfort of the prisoners have not been ignored. Ample ventilation, with the proper amount of light and heat, has been secured with an evenness and certainty

that ought to insure health to the convicts. If my advice and assistance to the board of directors has aided in securing to the territory one of the best arranged, though small penitentiaries, I shall feel more than repaid by this successful accomplishment of what all public officers should aim at—perfection of the work entrusted to their hands. The discipline of the prison and the proper utilization of the labor of the convicts will be subjects for careful consideration by the proper committee of the Legislative Assembly.

I cannot too strongly commend the humanity and kindness with which Dakota's convicts have been treated, so far as I have been able to learn at the Detroit House of Correction, and I cannot but anticipate but what Warden Koehler will bring the same discipline and humane treatment to perfection in the new field in which he has recently entered.

There had been an appropriation of \$30,000 by the general government for the construction of a United States prison in Dakota, but it was held by the department that this fund could not be used with the territorial fund for the building of a common penitentiary, and a compromise was made by which the general government constructed its building in the form of a wing to the territorial penitentiary, using the east wall of the main building for one wall of the Government structure.

The penitentiary was removed from Bon Homme County and located at Sioux Falls, under the act of the Legislature of 1881, which appropriated \$50,000 in territorial bonds to defray the expense of constructing the prison. Thomas H. Brown, Richard H. Booth and W. L. Dow, late of Governor Ordway's old county in New Hampshire, were appointed by the governor as the board of directors, and Mr. Dow, a very capable man, was employed as architect. The improvements planned consisted of a main building, two cell wings, detached laundry building, solitary cells, a female prison, hospital and boiler house. The main building, 54 by 71 feet on the ground, 40 feet high, and the west wing, 51 by 77½ feet and 32 feet high. The east wing was then under construction by the Federal Government, and would duplicate the west wing. The walls of the structure were laid up with Sioux Falls stone, three feet in thickness, inside partitions of brick, corridors and stairways of iron.

The members of the Legislature also visited the deaf mute school while in the city.

On the return trip, the following day, the legislative party halted at Vermillion, where the territorial university was under construction. This institution had been located at Vermillion in 1862, at the session which located the capital at Yankton and the penitentiary at Bon Homme. The university was three stories in height, built of Sioux Falls stone, with an iron roof. No appropriation had been made for constructing the university, but Clay County had voted aid to the amount of \$10,000 to defray the expense of building, and presented it to the territory, with a tract of land covering forty acres. Dr. Eph. Epstein had been elected president of the university, and Bartlett Tripp, of Yankton, Judge Jefferson P. Kidder, F. N. Burdick, John L. Jolley and A. L. Lee, of Vermillion, the board of trustees. Mr. Burdick was secretary of the board.

The Legislature of 1883 provided for the erection of a Northern Dakota penitentiary at Bismarck, authorizing the issue of \$50,000 in territorial bonds to defray the expense of constructing such building; Bismarck, as a condition of securing such institution, to furnish forty acres of land within a radius of one mile of the corporate limits of the city as a site for the buildings and improvements. The directors appointed to supervise the execution of the work were W. L. Dow, Alexander McKenzie and John P. Dunn. The contract for the building was awarded to Morgan & Kelly, of Fargo, who stipulated to furnish all material and perform all the work, and turn the building over completed by June 1, 1884, for the sum of \$52,000. Other bids were submitted, but all were for some subdivision of the work.

#### ORDWAY AND TELLER CORRESPONDENCE

Governor Ordway had been extremely anxious that Mr. Teller, the secretary of the territory, should remove his office to Bismarck, and thus recognize that



point as the capital. Mr. Ralph Wheelock, then of Mitchell, and a brother-in-law of Mr. Teller, had been chosen secretary of the capital commission, and though his qualifications for the position were ample and his character of the best, the selection was undoubtedly influenced by the considerations that had governed the capital removal syndicate in procuring the passage of their bill; but Mr. Teller failed to be the least influenced by the appointment of his relative, and it is doubtless true that he knew nothing of it until it was announced. He had concluded to remain at Yankton while the litigation over the removal was pending. Finally the governor issued a peremptory order directing the secretary to remove, to which the secretary made reply, refusing compliance. This took place after the governor had exhausted his efforts of a personal nature and through agents, and the reply explains the secretary's position and why he did not finally remove until the assembling of the Legislature in 1885. The correspondence follows:

Territory of Dakota, Governor's Office, Bismarck, Special Order.

Hon. James H. Teller, Secretary of the Territory of Dakota.

Greeting: In pursuance with section 1885 of the Organic Act and other United States laws; also an act of the Legislative Assembly, approved March 8, 1883, entitled "an act to provide for the location of the seat of government of the Territory of Dakota, and for the erection of public buildings thereat" which act specifically repeals chapter one of the political code which established the seat of government in the City of Yankton, Yankton County, also by the express provisions of sections 1, 4, 16 and 17, of the act passed by the Legislative Assembly and approved March 8th, as aforesaid, hereby annexed, which provisions of United States and territorial laws have fixed and located the seat of government and capital of the Territory of Dakota in the City of Bismarck at a point described and set forth in the annexed copy of an opinion of the territorial attorney general. You are therefore hereby authorized, directed and ordered to remove the office of the secretary of the territory, archives, books, records, papers, seal, and all public property in your possession or under your control, except the legislative furniture and territorial library, from the former seat of government at Yankton, to the City of Bismarck, County of Burleigh, in said territory, within fifteen days from the date hereof, which place has become by operation of law, the seat of government and capital of the Territory of Dakota; at which place all of the public offices of the territory shall hereafter be kept, and where all the legislative assemblies of the territory shall hereafter be held, and the public business transacted.

In order to meet the expense of the change contemplated in this order, I enclose a draft on the United States treasury for the sum of \$250.00, which I have set apart from the contingent fund appropriated by Congress to be used at the discretion of the governor for this purpose.

Given under my hand at Bismarck, the seat of government and capital of Dakota Territory, this 11th day of September, 1883.

(Signed) N. G. ORDWAY, Governor of Dakota Territory.

#### SECRETARY TELLER'S REPLY

Territory of Dakota, Secretary's Office,  
Yankton, September 24, 1883.

Hon. N. G. Ordway, Governor of the Territory of Dakota.

Sir: Your special order, dated September 11th, directing me within fifteen days thereafter to remove the records of this office to Bismarck, was delivered to me at a late hour, on Saturday, the 22d instant.

Some four weeks since I informed the representative of Bismarck, who was sent to confer with me upon the removal of this office to that place, that I did not consider the proposed removal advisable, giving at the same time my reasons therefor. I was informed that the conference was brought about with your knowledge and approval, and inasmuch as the considerations urged upon me were the same as had been previously urged by you, I had every reason to believe that such was the fact. I regard it safe, therefore, to infer that you were at the date of this order aware of my decision and the reasons upon which it was based. The order then, is, in effect, a denial of the correctness of my position at that time announced, and indicates a purpose to subordinate the office of which I am for the time being the incumbent, and to attach to it limitations and duties for which I find neither law nor precedent, and which I cannot therefore permit to pass unchallenged.

I am not aware of the existence of any United States statute which empowers the governor of a territory to control or interfere in any manner with the secretary in the discharge of the duties of his office. The territorial law under which the order purports to be issued, could not affect this office, even were its validity in other respects unquestioned, as a territorial secretary is an officer of the general Government and not of the territory. The

opinion of the attorney general of the territory accompanying the order, cannot be admitted as authority in this case. It is no part of his duty to construe the laws of the United States for the officers of the general Government, and so far as my action is concerned, his opinion can have no more weight than properly attaches to it from its intrinsic legal value. It affords no support to the order except such as may be found in the territorial law, which, as has been stated, is not regarded as material to the question at issue. The sole requirement of the United States statutes in the matter is that the secretary shall keep his office within the territory. It may be admitted, perhaps, that the keeping of his office at the seat of government is implied in the subsequent provisions for a seat of government and from its obvious necessity to proper discharge of the duties of the office. Be this as it may, the propriety of its location at the seat of government is beyond question. When, however, there is a question as to the actual location of the seat of government, it is I maintain the right of the secretary, in the absence of a judicial determination of the question, to decide for himself whether or not a change in the location of his office is called for. This, it should be observed, does not call for a decision by the secretary that a place is or is not the legally established seat of government, but simply that under existing circumstances a change is or is not desirable. In any event, if this office is subject to removal by order, such order must come from the head of the department to which it is properly subordinate. The records and property which I am ordered to remove are without exception the property of the United States Government and for such I am responsible to the Government. Leaving this responsibility alone, I cannot admit the right of any one not authorized to relieve me of such responsibility, to control me in the disposal and care of the property involved.

Acting upon this understanding of my rights and duties in the premises, I decided on the occasion before mentioned not to remove this office to Bismarck. Since that time, however, the subject has been in no small degree relieved of difficulty by the decision of Chief Justice Edgerton, adjudging the law for the removal of the seat of governments invalid and of no effect. As a sworn officer of the government, I recognize a peculiar obligation to regard not only the letter but the spirit of the law, and as this decision is the law until reversed by a court of competent jurisdiction, I cannot consent to be a party to any act which will appear to disregard it. I must, therefore, refuse to comply with the order for the transfer of this office to Bismarck. I hope there will be no misunderstanding of my reasons for this conclusion. I have no desire to assist in the settlement of the claims of the respective towns to capital honors, nor am I inclined in the slightest degree to become a party to the controversy known as the "capital question." I have endeavored to consider the matter wholly free from personal considerations and in the light only of my duty as a public officer.

The substance of the order having been made public by persons whose knowledge of its contents was obtained prior to its delivery to me, and contrary to what I should have advised, I deem it due to you as well as to myself the matter being in a certain sense one of public concern—that the order and this reply to it be published, to the end that neither of us be misunderstood.

I return the draft enclosed for the expenses of removal; and beg to subscribe myself,

Very respectfully, your obedient servant,

JAMES H. TELLER, Secretary of the Territory of Dakota.

## CHAPTER XCII

### TWENTY-FIVE COUNTIES ORGANIZED IN ONE YEAR

1883

THE CAPITAL REMOVAL—YANKTON SENTIMENT—INDIGNATION MEETING—TERRITORIAL INDIGNATION MEETING AT SIOUX FALLS—LEGISLATIVE PROCEEDINGS 1883 JUSTIFIED ORDWAY'S CHARGES—CAPITAL COMMISSION IN COURT—CAPITAL COMMISSION OUSTED BY DECISION OF JUDGE—CASE APPEALED TO TERRITORIAL SUPREME COURT—DEATH OF JUDGE KIDDER AND APPOINTMENT OF JUDGE PALMER—DECISION OF DISTRICT COURT REVERSED—CASE APPEALED TO UNITED STATES SUPREME COURT AND PENDING THERE WHEN STATES WERE ADMITTED TO UNION—ASSESSMENT AND POPULATION FIGURES COMPARED—YANKTON SENTIMENT—DAKOTA'S REMARKABLE GROWTH—TARIFF AND DAKOTA—GENERAL GRANT AT FARGO—RAILROAD BUILDING IN NORTH DAKOTA—TRANSPORTING GOLD FROM THE BLACK HILLS—TWENTY-FIVE COUNTIES ORGANIZED IN 1883—COUNTY ORGANIZATION FRAUDS.

#### CAPITAL REMOVAL—YANKTON SENTIMENT

Owing to the tendency of human nature to attribute a proportion of this popular indignation to Yankton influences, which may be supposed to have magnified and distorted the events so widely complained of and bitterly denounced, it should be stated, in justice to the Yankton community that of nearly all the communities in the territory Yankton betrayed no indication of harboring any greater indignation than was felt and openly expressed in nine-tenths of the territory. It may be truthfully averred that no occurrence of any character had ever before aroused such widespread indignation and met with such overwhelming rebuke as this flagrant legislative travesty, called a law, framed and executed in iniquity.

The intelligent citizens of Yankton were not much concerned pecuniarily whether the capital remained at Yankton. It brought profit to very few. They felt that a great fraud had been perpetrated, or was in course of perpetration, for they had seen and been compelled to realize it, and that the most corrupt methods had been resorted to by the majority of the Legislature of 1883 to procure the scandalous legislation.

But as concerning the loss of the capital, if it had been lost, there was no sense of material loss among the people. The citizens had not infrequently considered, during past years, whether the possession of the capital was an advantage to their city or a disadvantage. The arguments, pro and con, were familiar to all the people. They had never felt that it was permanently located in their city, and so feeling would look at the material conditions which would be affected by a removal of the institution.

Its direct advantages were not of a character to promote the improvement of the city except in the matter of hotel accommodations. The biennial sessions of the Legislature for sixty days increased the population not more than one hundred. The expenditures of the Federal Government on account of the capital were for the per diem of the officers and members of the Legislature, the rent of legislative halls, the rent of offices for the governor and for the secretary, and \$2,500 for public printing for each biennial term. The officers known as terri-



teritorial officers, auditor, treasurer and superintendent of schools, were kept by the incumbents at their several places of business, though until Ordway's coming in the law allowed these officials to keep their offices at such point as they might select, which most frequently was at some other point than Yankton.

Against these advantages and pecuniary rewards was the envy or jealousy of other communities who held that Yankton was not entitled to the capital, and who never failed to make the situation an unpleasant one whenever they aired their opinions. Yankton was the most convenient and better prepared than any other for a long series of years for holding territorial conventions of any character, but other points were selected in a majority of instances because Yankton had the capital, and "it couldn't have everything." Then there was the suppositious ring or cabal of politicians that were gratuitously presumed to have their lair at the capital and wanted to control the politics and the appointments of the territory, and many an ambition for a Federal plum was strangled in its budding period because the aspirant resided at the capital, and it would awaken a never ceasing feeling of gratitude among the people of another county to have that appointment go elsewhere. The capital never built a rod of railroad, nor an industry, nor established any business. It did not bring the steamboat trade, nor induce the cement works. Whatever Yankton received in this respect she must have received had the capital been located elsewhere.

Yankton had long since been laid on the shelf so far as furnishing a candidate for delegate to Congress was concerned, and as for Federal patronage (appointments were so called), the general disposition was that it was better for the capital that they should go to citizens of other towns, but it will be borne in mind that the people of the territory had little or no influence in securing Federal appointments beyond the postmasterships. A resident of the territory who aspired to a Federal office usually secured the assurance that there would be no stumbling blocks placed in his path by his territorial neighbors, then hied himself back to his old eastern home where through friends he could enlist the service and assistance of a senator and congressman, and through them reach the ear of the appointing power, and even then come back to the territory without a commission. There must be a charm in holding an office, and it must be a natural ambition with most of us to strive for place and power. Even King David is represented as saying, "I had rather be a door-keeper in the house of my Lord than to dwell in the tents of the ungodly."

Governor Ordway was the first governor of Dakota that had made it a part of his business to control the appointment of Federal officers in the territory. He was forearmed as to the time a Federal officer's commission would expire: he would then notify his senatorial friends in New Hampshire and Vermont, who would be able to have a candidate ready for the succession. Young Joe Chandler, son of the secretary of the navy, a New Hampshire citizen, secured the Yankton land office, succeeding Hughes, of capital commission fame, and Assistant United States Attorney C. S. Palmer, of Vermont, when appointed, was able to secure the position of associate justice of the Supreme Court of Dakota to succeed Judge Kidder, deceased, just in time to cast the deciding vote in favor of the legality of the capital commission. Mr. Tebbetts, who figured as the alleged agent of Governor Ordway in the Faulk County sent bribery case, was from New Hampshire, and held his position in the governor's kitchen cabinet as a friend and former business partner of his son George. Mr. W. A. Dow, the architect of the insane hospital and Sioux Falls penitentiary and other public institutions, and also a trustee of numerous institutions, was brought out by the governor from New Hampshire.

The headquarters of territorial or state politics is not desirable for a business community. Business enterprises are sometimes thwarted by revengeful politicians. Judging from the career of Yankton—its prosperity following this capital removal excitement—it must be admitted that the loss of the seat of territorial government was not in the slightest degree a retarder of Yankton's progress.



Its James River Valley remained. Its business invited an increase of railway facilities, and though never a "booming" town, its improvement denotes that its prosperity was constant and substantial, dependent entirely upon its natural location and natural advantages and the enterprise of its people. And looking abroad upon the capitals of our territories and states, one is led to the conviction that a capital adds very little to the resources of a community. Yankton College has been of more worth to the city, a hundred fold, than a capital would be. It is permanent and its benefits increase as time passes; while the Dakota Hospital for the Insane yields possibly twenty fold more in the shape of patronage.

While in Washington Ordway was solicitous for the credit of Dakota, and frequently cautioned his acquaintance in Congress when they were considering the Dakota division and admission measures, that great care must be taken to embody in them certain safeguards, to prevent the people of Dakota from misusing the privileges given them, for they were largely controlled by reckless influences that would countenance all sorts of extravagance—in fact were not a people that could be trusted to manage their public affairs wisely and prudently, and at the same moment he was prepared himself to become the leader in the most scandalous of extravagances, permitting his executive approval to be held out as a reward to those who would aid his schemes, and denying it with his veto to such as would not be coerced with his threats and bribes.

The great wealth of the territory in natural resources of the most valuable varieties—and possibly the wide publicity given to the shameful conspiracy, and the unanimity of the people in denouncing it, with the energetic and intelligent efforts to promote statehood, were of great value in off-setting the pernicious effects of this great crime of 1883.

#### INDIGNATION MEETING AT YANKTON

A meeting was held at Yankton on Saturday the 21st of April, for the purpose of discussing the capital removal topic. Hon. John R. Gamble was made chairman. Hon. R. F. Pettigrew, who had just retired from the office of delegate to Congress was present, and the principal object of the meeting was to hear an address from the ex-delegate. George R. Scougal was made secretary of the meeting.

Upon taking the chair, Mr. Gamble made a brief speech, stating that it was not out of order for him as chairman, and as the Yankton County member of the Legislature of 1881, to discuss the situation relative to corruption in that Legislature in connection with the attempt to remove the capital. It was the first time in two years he had had an opportunity to appear before a Yankton audience to discuss the legislative matters of that session. It was his fortune to know the chief mover, the chief corruptor within the capital syndicate, N. G. Ordway, and he was prepared to say that the same man who planned the move at the recent session, planned it on a different basis two years ago. He commenced lobbying for it then, and bent every energy, through himself, his son, and another one of his Hughes County appointees to trade off the capital. In that Legislature the question reduced itself to a quarrel with the executive or a betrayal of the interests of Yankton County. Ordway attempted to dictate all legislation, and it remained for the Legislature to unite against him in the interests of their constituents. In the City of Washington the speaker said he had not found a single person to speak a good word for Ordway. He was there mentioned as a jobber and a trader. A citizen of New Hampshire had said he was glad the people of Dakota had finally found Ordway out, and was sorry they had not found him out sooner. The capital removal scheme had been gotten up in corruption, adopted without authority of law, and had been put up by a crowd of speculators. The syndicate had said that they came here to speculate on Dakota's capital,—McKenzie had told Mr. Gamble so. Ordway originated the scheme. It was probable that a dozen members of the Legislature had propositions made to them to con-

trol their votes upon the capital removal bill. It was no secret that such means were being used. The standing invitation was "Come in and get rich. Catch on to the band wagon." This was the general talk during the pendency of the bill. There was no concealment about it. At the conclusion of Mr. Gamble's remarks he introduced Mr. Pettigrew, who spoke substantially as follows:

I have not come here to tell the people anything new about the Legislature or about Ordway, as you know all about the subject. It has been heralded abroad, and I learned all the details of the affair while out of Dakota. The last Legislature and the governor by their acts had earned the bad reputation given the territory by the public assertions of Ordway. The general outside expression was that Dakota could not deny Ordway's crimes after last session's developments. Whatever might now be said regarding the executive would work him no injustice, his past record was worse than his recent record. There was not a New Hampshire member of Congress but would gladly go to the President and insist upon Ordway's removal from his present position or they could receive a guarantee that he would not go back to New Hampshire. The late vice president of the United States had said to Mr. Pettigrew that it was useless to ask if Ordway was in the capital job—if he was not, he had reformed since he left Washington.

The remedy which the people of Dakota have against the continuance of Ordway as governor, is to express their indignation and formulate charges and present them to the President. We should promulgate an indictment and appoint a committee to take it to Washington, and insist upon Ordway's removal. It will surely succeed with the charges made and proven. This subject has already been discussed in the President's cabinet, and there is already a strong feeling in that body in favor of Ordway's removal.

I do not believe the people of Yankton are moving in this matter simply for the retention of the capital. Their energy indicates that they could build a better and bigger city without the capital than with it. No community which was compelled to devote one-half its time to politics could give enough attention to business. Regarding the Capital Commission, if it was a constitutional organization, and was disposed to work by daylight, I would not be disposed to denounce it. The method by which it was created is particularly obnoxious. The Legislature has traded off my money and the money of others to secure votes for the bill. It had created offices and established public buildings which were not needed, and the people must pay for them. The permanent location of Dakota's capital is yet premature. Dakota should be divided upon the forty sixth parallel, and when that division is made the location of the capital will be in order. When this is accomplished and matters so arranged that the state can own a couple thousand acres of land in the proper place upon which to locate the capital, I would not object.

Nine commissioners have been selected to carry out the provisions of the capital bill. This is one appointee for the seven members of the council who voted for the bill, and two appointees for the governor. Burdick had named Thompson. Jerauld had named DeLong. McAnley named Myers. Nickens named McKenzie. Roberts named Spaulding. Walsu named Scott. Scoley named Matthews, and the governor named Hughes and Belding. The reason the number was fixed at nine was because it took nine to go round and not because there was any special need of having nine members on the commission. Each man who voted for the bill must have his reward and the governor must be recompensed for signing it. The commissioners were not selected because they were large taxpayers, or because they were particularly honest or able, but because they had been traded on to secure the passage of the bill. Extensive appropriations had been made and forty or fifty new offices created, to gain votes for the bill. The bill was full of corruption. Every one felt it and knew it, though tangible proofs might be hard to produce. The governor had given positions to his tools in the interest of the capital scheme and had appointed his own son to audit their accounts. The newspaper fraternity of Dakota was largely represented in the list of his appointees, the object undoubtedly being to control in his own interest the papers edited by the men to whom he had given positions.

Mr. Pettigrew gave as the first cause of Ordway's hostility to himself, his rejection of a proposition made by Ordway. Shortly after Ordway became governor he proposed that Mr. Pettigrew join hands with him, and that together they could control the appointments for Dakota, the Press and the leading politicians, and through their influence could control the organization of the state, the construction of public buildings, and the profits flowing therefrom. Mr. Pettigrew said he rejected the offer, and Ordway then told him he would open a fight and defeat his renomination for Congress. Mr. Pettigrew said he told Ordway that it was possible he might accomplish this, but he could not take away his self respect.

Remarks were made by Councilman Dewey regarding his experiences in the late Legislature, resolutions were adopted, and the meeting adjourned. The

remarks of Delegate Pettigrew were of importance at the time. His accusation that Ordway endeavored to form a corrupt combination with him shortly after his arrival in the territory, is in keeping with the effort he made to enlist Editor Caldwell, of Sioux Falls, and Editor Bowen, of Yankton, in a like combination. It would seem that the governor had formed a plan to get control of the territory and its patronage among the first of his transactions after being appointed, and that he adhered to this plan, though often defeated and debased, as long as he remained governor.

#### TERRITORIAL INDIGNATION MEETING AT SIOUX FALLS

A call was issued on the 29th of March, 1883, from Sioux Falls, calling a mass convention at that place on the 5th of April following to consider the general political situation which was now exhibiting symptoms of much turmoil. The call was in the language following:

The citizens of Southeastern Dakota are requested to meet at Germania Hall, Sioux Falls, on Thursday, April 5, 1883, at 8 o'clock P. M., for the purpose of determining upon definite and concerted action for defeating the infamous scheme with which the governor and last Legislature of Dakota have disgraced the territory. The sentiment is almost unanimous that something should be done to relieve the territory from the bad repute it has secured and may still suffer. The problem is to determine what plan promises the best results. It is for the discussion of plans that this meeting is called, and the people of the different counties and towns of Southeastern Dakota were invited to attend in order that whatever is undertaken may be that which shall be wise and effective. Signed

A. Frizzell  
R. F. Pettigrew  
N. E. Phillips  
H. L. Hollister  
E. A. Sherman  
L. D. Henry  
S. G. Cochrane  
E. Parliman  
E. C. Kibbe  
C. H. Winsor  
W. I. Wynn

C. K. Howard  
R. C. Hawkins  
B. F. Campbell  
G. F. Wilson  
W. E. Willey  
Jacob Schaezel  
L. I. Sweezy  
Cyrus Waltz  
Hills & Baber  
R. J. Wells  
C. H. Wynn

C. W. Hubbard  
Coughran & McMartin  
M. Grigsby  
F. S. Emerson  
Thos. H. Brown  
E. E. Sage  
F. I. Goddard  
W. W. Brookings  
E. W. Caldwell

This mass meeting was attended by a large number of people. Col. John H. King, of Chamberlain, was chosen chairman, and A. J. Parshall, of Hanson County, secretary. Delegates were present from the counties of Minnehaha, Brown, Lincoln, Union, Clay, Yankton, Bon Homme, Douglas, Brule, Aurora, Davison, Hanson, McCook, Lake, Beadle, Moody and Grant. A number of addresses were made during the evening, condemnatory of the course of the governor and Legislature of 1883, in saddling an immense debt upon the territory, a large portion of which was unnecessary and not called for in the least degree by the public interest; and also for the questionable methods employed in making the capital commission.

There was also some opposition expressed to the purpose of the meeting by the delegates from Huron who deprecated hasty action, insisting that the commission should be given time to justify itself; a delegate from Canton shared this view and one of the Sioux Falls representatives was opposed to the object of the gathering. With these exceptions the assembly was apparently united in condemning the methods which had been employed to secure the enactment of the bill virtually at a cost to the territory of over a quarter million dollars.

Following the addresses, the Committee on Resolutions reported the following, which were practically unanimously adopted.

Whereas, A people are in a measure identified with and responsible for any wrong which they permit and tolerate without opposition; and whereas, the people of Dakota stand charged today, throughout the country, with complicity in the project for the relocation of the territorial capital on a plan to further a real estate speculation; and whereas, the



methods used for securing the adoption of this project are of such notoriously corrupt and disgraceful character, involving the reputation of the chief executive and a number of the members of the last Legislature, and whereas, the citizens of Dakota are against the men who have thus disgraced them and their territory, no ready recourse other than to publicly and formally denounce them and thus free themselves of the corrupt influence attaches to Dakotans generally for the misdeeds of these officers; therefore be it

Resolved, That we, as representatives of different portions of Southeastern Dakota, hereby express our condemnation of the gigantic fraud referred to, which was made possible by Gov. N. G. Ordway's venality and the prostitution of the powers of his position, and by a co-operation of a majority of the last Legislature, secured either through corruption or timidity; and be it further

Resolved, That we denounce the conspirators and perpetrators of this iniquity as unworthy the positions which they have disgraced, and that it is our earnest prayer that Dakota may be relieved of the official who has been a discredit to the territory and a continual cause of strifes and discords, which have done much harm.

Resolved, That an executive committee be appointed by this convention to inquire into any malfeasance on the part of Governor Ordway, in connection with the enactment of the capital removal bill, and if the facts developed warrant such proceedings, to formulate charges thereon, present them to the President of the United States, and demand his removal, and in case of failure to act on the part of the President, to present such charges to the House of Representatives of the United States for investigation with a view to his impeachment.

The following persons were appointed the Executive Committee: Lincoln County, O. S. Gifford; Union County, J. A. Wallace; Clay County, E. B. Dawson; Yankton County, J. R. Gamble; Charles Mix, M. T. Post; Bon Homme, F. M. Ziebach; Douglas County, K. G. Foster; Brule County, J. H. King; Aurora County, A. M. Andrews; Hutchinson County, J. C. Boyles; Davison County, H. C. Greene; Hanson County, A. J. Parshall; Turner County, Vale P. Thielmann; McCook County, J. F. Norton; Lake County, C. B. Kennedy; Hughes County, M. L. Ledwich; Hand County, T. M. Wilkins; Beadle County, A. Davis; Miner, C. H. Van Tassel; Moody County, George Rice; Codington County, A. C. Mellette; Grant County, J. W. Bell; Brookings, L. P. McClarren; Deuel County, H. H. Herriek; Clark County, Wm. Lamb; Lawrence County, G. C. Moody; Pennington County, Fred J. Cross.

The meeting then adjourned subject to the call of the chairman.

The proceedings of the Legislature of 1883 were such as to justify in great part the scandalous reports Ordway had made to congressmen and to the public through his interviews of the reckless extravagance of the people through their legislatures and in their county affairs, and the need of safeguarding the state constitutions against this recklessness, which certainly could not have been more corruptly and recklessly displayed than in many of the transactions of the Legislature of 1883 to which the governor was not only a party but a principal and one of the chief intriguers, and his bold and shameless connection with the wrongdoing seemed to vindicate the charges that had been made against him by Delegate Pettigrew who had been constantly annoyed by his gratuitous and impertinent intermeddling with the delegate's duties during his entire term. Ordway at this time appeared to have thrown off his disguise and appeared in his true hypocritical character. He had played the Jekyll and Hyde part with some success and had won the favorable opinion of many respectable and influential people of the territory, who had been influenced by his oft-repeated assertions through the public prints that he was only anxious for the good name of Dakota, and to strengthen its credit abroad, and to induce the best people of the land to make their homes here, while every intelligent person in the territory must have known that for years before Ordway came to Dakota with a federal commission its good name had been untarnished, its credit was at the world over, and the best people of the land had been coming within its borders. The flagrant rascality of the majority of the Legislature of 1883, led by himself, could not tarnish its reputation though it might for a time stain it, nor impair its credit, nor check the inflow of a high order of population.



The pastor of the Baptist Church, Rev. G. J. Travis, who had been the chaplain of the House, preached a sermon later from this text:

For the congregation of hypocrites shall be desolate, and fire shall consume the tabernacles of bribery.—Job XV, 34.

(Paragraphs from the sermon.) The very air is filled with the numbing, palsyng, death-dealing poisons of political bribery. It may be that Dakota air, especially in the vicinity of the City of Yankton, is more charged with it than at other places, still judging from the press of the territory, it seems it is a prevalent disease all over our fair commonwealth. The press, within the limits of our empire territory, has everywhere lifted up its voice in clear and distinct tones against the gigantic evil which has lately been concocted within our city limits, and now it is time that the pulpit speak out with a voice of thunder against it. Let every pulpit in the territory be true to the interests of the common people, and demand that the men who are engaged in this nefarious business "step down and out." It may be that Dakota ministers have been watching the Yankton pastors to see how they will treat this monstrous sin, especially those who stood nearest the conspiracy in the humble capacity of chaplains.

From the very first, your speaker, as a citizen of the territory, in a private way, has taken decided grounds against this syndicate business. He believes it to be the biggest piece of scoundrelism, villainy and knavery that has ever been or can ever be enacted in the Territory of Dakota. The pulpit is not too good a place to denounce such an infamous transaction. It is quite possible that the words now spoken in your ears may be carried to the centers of influence and power within the limits of the fairest clime of the fairest territory that God's sweet light ever shone upon, and then if they shall contribute to arouse men's minds to the enormity of this evil and make them act for the right, the object of this address will be accomplished.

What is a bribe? According to Worcester it is a "reward given to anyone, especially a judge, an officer, or a voter, in order to corrupt or influence his conduct." The meaning of the word has not changed in its essential significance for the last 4,000 years. It is the same since the 1st of January, 1883, as it was in the time of Job, in the time of Moses, in the time of David, and in the time of Eli, whose sons turned aside after filthy lucre and took bribes and perverted judgments. It is said to be a natural propensity to feel that every element of power is to be employed as much as possible for one's own use and that its benefits should be conferred, not on those who best deserve them, but on those who pay most for them. The sin of bribery is so deeply seated among the oriental races that most attempts to eradicate it have proved futile. It is difficult to get the oriental mind to understand how it is reasonable to expect the temptation of a bribe to be resisted. In matters of personal violence or fraud, there is generally some person immediately injured in the act who can give detection to the offender, but in the offense of the perpetration of bribery, which most people believe was the means of the passage of the capital removal bill—a bill which it is safe to say nineteen-twentieths of the taxpayers of the territory believe to have been passed by the lowest and vilest methods of bribery—it is very difficult to get at the root of the matter unless backed by public sentiment. The press of the territory are making a grand fight against the fraudulent syndicate business and have carried the people with them; now let the pulpit speak in trumpet tones that the people may be aroused to such a pitch of holy indignation that the public thieves and plunderers may repent in dust and ashes because they attempted to steal \$2,000,000 from the pockets of the people of the territory.

In the penal code, section 774 defines the word bribe: "The term bribe signifies any money, goods, right in action, property, things of value or advantage, present or prospective, or any promise or undertaking to give anything asked, given or accepted with corrupt intent to influence, unlawfully, the person to whom it is given, in his action, vote or opinion in any public or official capacity."

Will any fair-minded man say that he who holds certain bills in his hands, using the veto power as an axe held over the head of certain members until he is assured by them that they will vote for a certain other measure, that this act does not fall under the head of bribery? And should not a person proven guilty of this, suffer the full penalty of the law, which is "imprisonment in the territorial prison not exceeding ten years, or by fine not exceeding \$5,000, or both."

How we all remember the terrible tragedy of the credit mobilier. Many a reputation, otherwise clear and pure, went down under the subtle power of the briber. Ex-Vice President Colfax, whom many of us believe to be innocent, will never be lifted out of the suspicion that he was bribed. It was under the temptation of bribery that Benedict Arnold sold the fort in the Highlands for \$31,573. For this crime Athithopel forsook David, and Judas betrayed Christ for the petty sum of \$15. During Walpole's administration in England, there is no doubt that members of Parliament were paid in cash for votes, and the memorable saying that "every man has his price" has been preserved as a characteristic indication of his method of government. Listen to the confession of Sir Francis Bacon. He was lord chancellor of England, the leading thinker of his country, having already a very large income that would seem to have put him beyond the temptation of bribery—\$36,000 a year besides princely estates—yet under this temptation he fell and confessed that he had taken



REDFIELD COLLEGE REDFIELD

As it appeared in 1888



As it appeared in 1888

THE NEW YORK  
PUBLIC LIBRARY

ASTOR LENOX TILDEN FOUNDATION

100 N. 4TH ST. NEW YORK, N. Y.

bricks because all his predecessors had taken them. What did they do with Lord Bacon? He was fined \$200,000 and imprisoned in London Tower.

But it is not necessary for me to go over the Atlantic Ocean to find a sufficient number of examples to show the power of bribery. It is a well known fact that \$25,000 has been given to one legislature and state government by a railroad company to get a charter and to put through a donation of public lands.

It is affirmed that every man has his price and why attempt to purify this great evil. It is not true that every man has his price, though, alas, too many of them have. I am satisfied there were men in the House of our last Legislature who had so much honesty, principle, moral sense and manhood that they could not be bought. To affirm that every man has his price is a stigma upon Christian civilization. Away down in the dark ages, even many examples of incorruption may be found. Epaminondas, being offered a bribe, said: "I will do this thing if it be right, and if it be wrong, all your goods cannot persuade me." Fabricius, of the Roman Senate, was offered a bribe by Phrrhus of Macedon. He said: "What an example this would be to the Roman people; you keep your riches and I will keep my poverty and reputation." If it makes a man poor to be honest, he has something better than riches—a clean conscience. The president of the American Congress during the Revolutionary war, General Reed, was offered 10,000 guineas by foreign commissioners if he would betray his country. He replied: "Gentlemen, I am a poor man, but tell your King he is not rich enough to buy me."

Thank God, there are men and women, those who are in the church and those who are not, that you could no more bribe than you could get Lazarus in heaven to change places with Dives in hell. There are men in Washington, in Albany, in Harrisburg, in Des Moines, in Yankton, who would no more be approached with a bribe than you would go into a powder magazine with fire crackers for the purpose of playing Fourth of July. These are incorruptible men who save the city and state. Bribery does not necessarily mean hard cash or greenbacks or bank bills, but it means sometimes railroad passes; it means a large appropriation for a university way up in the northern part of the territory where common schools have hardly begun to do good work; another appropriation for a penitentiary in addition to the one we have, where those who vote for it ought to accept it. It means a great effort to remove the deaf and dumb asylum by those who are deaf and dumb to the innocent people. All this it means when interested parties are assured that their bills will not be vetoed if they would consider favorably and vote squarely on the capital removal bill. Is this bribery? Let the people answer. It has been well said "the machinery of bad American politics is made up of about five hundred wheels and the cogs of these wheels play in the cogs of a great wheel, and this great center wheel has a tire of railroad iron and also a crank on which is the hand of Satan, and he turns the great wheel and that turns all the 500 small wheels in the political manufactory." At least some such way seems to have been followed for the last few months in Dakota politics, and as the poet sings: "Satan leading on."

What is the only true antidote for all the corruptions in politics? It is the grace of God in the heart. While acting in the capacity of chaplain of the House, I often supphated at the throne of grace that an old fashioned revival of religion might so over-power and permeate the hearts of these servants of the people that they might not be found wanting when approached by the glittering gold of the briber. Both chaplains were duly warned by the Press and Dakotian that they had the most difficult task before them of all in presenting such sinners at the throne of grace. The warning proved true. Let me advise the parents before me to be careful how they give, unconsciously, the first lessons in bribery in the home circle and nursery. Do not bribe your children. Teach them to be good because it is right, not because they have the promise of a nickel or an orange. The man who is honest because honesty is the best policy is a hypocrite if not a knave. Let us all steer clear of bribery if we do not wish to become morally a bankrupt.

#### CAPITAL COMMISSION IN COURT

The quo warranto case against the capital commission was argued before Chief Justice A. J. Edgerton at a special term of the District Court held at Yankton, beginning July 25th, and concluding July 28, 1883.

The action was brought on complaint by E. G. Smith, district attorney for the Second Judicial District of Dakota, which document, after briefly reciting the history of the location of the capital for Dakota at Yankton, contained:

1. That the above named defendants were appointed commissioners for the purpose of locating a permanent seat of government and the capitol building for the Territory of Dakota, under and by virtue of a pretended act of the Legislative Assembly of the Territory of Dakota, entitled "An act to provide for the location of the seat of government of the Territory of Dakota and for the erection of public buildings thereat, approved March 8, 1883, which said appointments were and are in violation of said act organizing the Territory of Dakota.



2. That after that date, to wit, on or about the 3d day of April, 1883, the said defendants as a pretended board for the purpose above mentioned under said pretended act, without legal warrant, each usurped said office of commissioners and without warrant have usurped the right, privilege and franchise of naming the seat of government under said pretended act, and have ever since unlawfully held and exercised said office, right, privilege and franchise, and are proceeding to change and to permanently locate said capital and seat of government of said territory at some other place than at the City of Yankton under said pretended act, in violation of law and said act organizing the Territory of Dakota.

3. That each of said defendants are usurping and exercising said alleged rights and franchises arising under said pretended act, and are drawing and are about to draw and collect each the sum of \$6 per day for their pretended services as such commissioners from the public moneys belonging to the territory, and from the treasury of said territory, and are also procuring a surveyor and assistants to locate said seat of government under section 9 of said pretended act at a like expense of \$7.50 per day, and are drawing large sums of money from the territorial treasury for alleged expenses as such commissioners for team hire, stationery and other expenses.

Wherefore the plaintiff demands judgment that each of said defendants is not entitled to said office, and that they be ousted therefrom. That said pretended act and all acts done or performed by said commissioners be declared illegal and void, and that each of said defendants be declared not entitled to exercise any right, privileges or franchise under said pretended act.

E. G. SMITH,

District Attorney of the Second Judicial District of Dakota.

The attorneys for the plaintiff, the Territory of Dakota were in addition to Mr. Smith, Hon. G. C. Moody, Hon. Bartlett Tripp, and Hon. John R. Gamble, while the defendants were represented by Hon. Wm. F. Vilas, of Wisconsin, and by Atty. Gen. Alex. Hughes, president of the capital commission.

The contention of the plaintiff was that the governor and Legislature alone had the authority and power under the Organic Act to remove and locate the capital, and that said authority and power could not lawfully be delegated to any commission or body of persons, as had been pretended to be done by the Legislature and governor in the present case.

The arguments consumed four days, and every phase of the subject of delegation of power by a legislative body was thoroughly sifted, and every authority quoted that could be found in the books. Attorney Vilas was a criminal lawyer of national reputation. He was made postmaster general in President Cleveland's cabinet two years later. He conducted the case for the defendants, making the entire argument on that side, but his eloquence and finished oratory, more than his argument, won the attention and elicited complimentary comment. The court room was thronged by an appreciative audience. Hon. John R. Gamble made the concluding argument for the defense, at the conclusion of which the court took the case under advisement, urged the attorneys to furnish him with their briefs at the earliest day, and the court was adjourned.

The judgment of the court, which was in favor of the plaintiffs, was given out August 28th following, and is here inserted:

#### Judgment of the Court.

Territory of Dakota, Second Judicial District.

In the District Court in and for Yankton County, the Territory of Dakota on the Information of E. G. Smith, District Attorney of Dakota Territory, Plaintiff, vs. Milo W. Scott, Burleigh F. Spaulding, Charles H. Myers, Alexander McKenzie, George A. Mathews, Alexander Hughes, Henry H. DeLong, John P. Belding, and M. D. Thompson, Defendants.

At a special term of the District Court within and for the County of Yankton, in the Second Judicial District of the Territory of Dakota, held at the Courthouse in the City of Yankton on the 27th day of August, A. D. 1883.

Present: The Hon. A. J. Edgerton, presiding judge, and the officers of said court.

The summons with a copy of the complaint having been duly and personally served on each of the above named defendants, and the said defendants having each duly appeared and served an answer to said complaint, and this cause having been regularly called for trial in its order on the calendar at the July, 1883, special term of this court, and the plaintiff appearing by E. G. Smith, district attorney for the said Second Judicial District, and G. C. Moody, Bartlett Tripp and Gamble Brothers, its attorneys; and the defendants appearing by William F. Vilas, their attorney, and Alexander Hughes per se, and for his co-defendants, and thereupon the plaintiffs, by its said attorneys, duly moved for judgment

on the pleadings herein and the said defendants also moved for judgment on said pleadings, and by consent of said parties in open court both of said motions were thereupon argued together, and both of said motions duly coming on to be heard, and the court having listened to arguments on behalf of the plaintiff by G. C. Moody, Bartlett Tripp and J. R. Gamble, and said William Vilas on behalf of said defendants, and the court being duly advised in the premises and having duly considered, the court overrules said motion for defendants and grants and allows said motion for said plaintiffs.

It is therefore, on motion of said district attorney, and said attorneys for the plaintiff, ordered and adjudged that said defendants be and they are hereby forever ousted and excluded from said office of commissioner, mentioned in said act in the complaint described, and from all franchises and privileges named, enumerated or included therein. And that the plaintiff have and recover of the defendants the sum of — dollars, costs taxed and allowed herein.

Done in open court this 27th day of August, A. D. 1883.

By the Court: A. J. EDGERTON, Judge.

(Seal) Attest: EDWARD EDGERTON, Clerk.

At a later day Judge Edgerton filed his opinion in the case, a lengthy document, covering the numerous points in the case completely, which was highly commended by the bar and press as one of the ablest decisions rendered from the Dakota bench.

Following the judgment of the court the defendants took an appeal to the Supreme Court of the territory. The Supreme Court at that time was composed of four judges, Chief Justice Edgerton, Second District, Judge W. E. Church, First District (Black Hills), Judge Sanford Hudson, Third District, Northern Dakota north of the 46th parallel, and Judge Jefferson P. Kidder, Fourth District, Clay County, and north including all the counties in the Big Sioux Valley.

The capital commission went ahead with their improvements at Bismarck; the governor and auditor made their offices there, while Secretary Teller, and the territorial treasurer, and the Supreme Court remained at Yankton. As the capital removal case was in court on appeal to the Supreme Court by the defendant commission, which had been declared unlawful and ousted by the judgment of the District Court, the opinion held by Secretary of the Territory Teller, in his reply to Governor Ordway's removal order, was generally supported, and the reader's attention is invited to that reply which will be found in this chapter. Secretary Teller was known as an able lawyer and was some years later elected to the Supreme Court of Colorado.

A few weeks later the citizens of Dakota were startled by the intelligence of Judge Kidder's death, which occurred in St. Paul, Minn., early in October. From a statement in a St. Paul paper, it was learned that some two weeks earlier the judge had written to W. H. Shelley, of St. Paul, a friend, to secure him a room at the Merchants Hotel containing two beds and to be ready to stay with him at the hotel for a few days, as he, the judge, was coming for the purpose of receiving medical treatment. Arriving in St. Paul, the services of Doctors Murphy and Ritchie were enlisted and an operation for stone in the bladder was performed. The operation was believed to have been successful until 1 o'clock on the morning of the second, when the patient was seized with violent pains. It was then seen that inflammation of the bladder had set in, and at the earliest moment the physicians were notified. A brief glance satisfied them that the case was hopeless, and only a short time elapsed before the judge became unconscious. Stentorious breathing quickly followed. The disease gained headway every hour and it was recognized that the end was near. The prime cause of the attack was stated by the physicians to have been the failure of Judge Kidder to suspend sessions of the court in order that he might leave the bench when nature demanded. He kept his court in operation from the time it was called until it adjourned—sometimes for six hours without cessation. It may therefore be said that in a measure Judge Kidder died a victim to his devotion to his official duties. His friends did everything possible to relieve his sufferings.

Jefferson Parrish Kidder was born in 1816, at Baintree, Vt., where he received a common school education. He was trained to agricultural pursuits.

and also taught school. He prepared for college at the Orange County Grammar School, and graduated at the Norwich University, and was a tutor of that institution. He received in 1848 the degree of Master of Arts from the University of Vermont. He then studied law and engaged in its practice. He was a member of the state constitutional convention of Vermont in 1842, and a state senator in 1847-48. He was lieutenant governor in 1853-54. He removed to St. Paul, Minn., in 1857. Mr. Kidder was interested in the enterprise which had for its purpose the settlement of Sioux Falls in Dakota in 1858-59, and was elected provisional delegate to Congress from Dakota. He returned at the close of the year to Minnesota, and was a member of the Minnesota House of Representatives in 1861, 1863, 1864 and in 1865 was appointed associate justice of the Supreme Court of Dakota, and removed to the territory with his family. He settled at Vermillion. He was reappointed judge in 1869 and again in 1873, resigning in 1874 or early in 1875 to take a seat as delegate from Dakota to which he had been elected in 1874.

During Judge Kidder's incumbency of the lieutenant governorship of Vermont Governor Robinson was ill during most of his term, and Kidder became acting governor. Mrs. Kidder died two years before her husband, and was buried in Oakland Cemetery, St. Paul. But one of the judge's children was living, Silas W. of Vermillion. Judge Kidder was buried at St. Paul with Masonic honors. In worldly wealth the judge was said to own about fifty thousand dollars.

Judge Kidder was highly esteemed as an upright and competent official and a public spirited and worthy citizen. He was socially disposed. Was an earnest and intelligent friend of schools from the country school to the university. He believed education was truly the handmaid of civilization, and best and surest friend of free government.

Bar meetings were held in all the counties of his large circuit, and appropriate action taken by resolutions and by draping the court rooms with the emblems of mourning.

Judge Kidder's death occurred during the pendency of the appeal to the Supreme Court by the capital commission, leaving the supreme bench with but three members, but prior to the meeting of the Supreme Court in December, a friend of Governor Ordway's, Atty. C. S. Palmer, who had been appointed assistant United States attorney of Dakota from Vermont, was promoted to the vacant judgeship, and when the capital commission case was heard by that court the following December the decision was three to one against the Territory of Dakota, thus reversing Judge Edgerton. A lengthy opinion was delivered by Judge Church, of Deadwood, sustaining the commission. The plaintiff then perfected an appeal to the Supreme Court of the United States, which was still pending when the two states of North and South Dakota were admitted to the Union. The capital of the territory, however, remained in question during the remainder of the term of Secretary Teller who refused to remove to Bismarck during the pendency of the legal proceedings, and he was sustained by the territorial treasurer, Mr. McVay, and partially sustained by the Supreme Court which was required to hold its sessions at the capital. This body met at Yankton for its December term, 1883, and held its June term in 1884 at the same place, removing to Bismarck for the fall term. Governor Ordway was succeeded by Governor Pierce in 1884, and the new executive fixed his official and private residence at Bismarck. The Legislature of 1885 passed a bill removing the capital to Pierre which was vetoed by the governor, and here the contest ended. The division of the territory and the admission of South Dakota was confidently expected at every coming together of Congress, and all other public questions were totally eclipsed.

Jefferson P. Kidder, presiding judge of the United States District Court for the Fourth Judicial District of Dakota Territory, whose residence was at Vermillion, died at St. Paul, Minn., October 3, 1883. Sioux Falls was the principal city in the district, and a meeting of the attorneys was held there after the



appointment of a successor was made, the proceedings of which furnish a better and safer report of the estimation in which the judge was held by the members of the bar and the people than the proceedings of the bar meetings held elsewhere, for it so happened that there were gathered there attorneys that had known the judge before he wore the ermine, as a pioneer of the first Sioux Falls, and others who had practiced in his court for nearly two score years, for the judge had held the position from 1805 to the day of his death, excepting during the four years he served the territory as delegate in Congress.

Following the appointment of his successor, Assistant United States Attorney Palmer, of Sioux Falls, a meeting of the bar was held, and the following proceedings were had:

On motion of C. H. Winsor, Esq., it was ordered by the Hon. C. S. Palmer, the presiding judge of said court, that a committee of five members of the Minnehaha County bar be appointed to prepare and report to the court suitable resolutions and appropriate resolutions upon the death of the Hon. Jefferson P. Kidder, late associate justice of the territory and this judicial district. Whereupon the court appointed as such committee: E. Parliman, William A. Wilkes, H. H. Keith, Thomas S. Free and F. L. Boyce. And now, on this 29th day of April, 1884, E. Parliman, in behalf of said committee, reported the following resolution, which his honor ordered spread at length on the minutes of this court:

Resolved, That the Supreme Court of the territory, the District Court of the Fourth Judicial District, the bar, and the people of the territory, have sustained, in the death of the Hon. Jefferson P. Kidder, the loss of an honorable and upright judge. That his long judicial career in this territory has been marked by great industry, high abilities and incorruptible integrity, and in the termination of his long public career, universal sympathy is extended. That in this slight tribute to his memory we can but inadequately express the loss sustained. That his life and labors, characterized as they were by honor, industry and the fullest integrity, are left for the future, and stand as an encouragement for those of us who survive him, showing that success in life depends more upon integrity and good faith than upon more brilliant accomplishments.

W. A. Wilkes supplemented the resolutions with an eloquent tribute to the deceased. Judge W. W. Brookings followed Mr. Wilkes. He stated that he had first met Judge Kidder in 1859, in this territory, when the total number of voters did not exceed thirty. The deceased remained with the pioneers long enough to win their esteem and affection and they elected him as Dakota's delegate to Congress. He accepted the dignity and labored the following winter at Washington for the admission of the territory, which he came within a few votes of accomplishing. He attributed to the departed two prerequisites which eminently fitted him for the bench—hard sense and a remarkable freedom from spleen, malice or prejudice. He was chief among the few legal gentlemen in the territory who could tell a story, and he was incorruptible in every walk of life.

C. H. Winsor said he had tried the first case before Judge Kidder in Lincoln County, and their friendship from that date was most cordial. I did not regard him as a great judge. Even had his legal erudition been sufficient to entitle him to this distinction, his broad humanity would have precluded him from attaining the position. His penchant to help a poor lawyer with his case had a tendency to render close lawyers slipshod, but as a man, neighbor and friend, he was the peer of any man.

District Attorney Carter, who had been closely associated with him in his official capacity, could not say that he was a brilliant man, but was a man of sound common sense. He possessed too much heart to become a great unbending judge, as his sympathy was always with the under dog in the struggle. He was the personification of honesty, and no lawyer who ever practiced in his court ever suspected that he had been improperly influenced in his decisions.

Hon. O. S. Gifford acknowledged the tenderness of Judge Kidder's nature, but esteemed him a great judge in many respects. He did more, in my opinion, than any other man to establish the judiciary of this territory. He came here in a day when it was sometimes necessary to convene court in a sod shanty, but it made no difference, the same dignity was preserved in these primitive surroundings as in the more modern palatial temples of justice. He believed implicitly in the integrity of the bar, and this was why he gave the attorneys so much latitude.

The court then adjourned for the day.

#### DAKOTA'S REMARKABLE GROWTH

The remarkable growth of Dakota during several years succeeding the opening of the Black Hills in 1877, gave to the settlement and development of the territory a distinctive reputation. In this respect it was generally conceded to have surpassed all precedents in the United States where permanent occupation



by an industrial population alone was considered. And those who were then acquainted with the substantial and permanent character of the natural resources of the territory will not look upon it as remarkable. There could be but one opinion regarding the natural advantages of the territory, and this opinion was highly favorable. It was quite fortunate that during the most active years of the immigration, there were so many railway gateways opening into the territory. The railways did not induce the immigration but were themselves led by it, still they afforded a medium of access and distribution that could with difficulty and much hardship have been accommodated without their aid and generous co-operation.

In the matter of disseminating information regarding the territory and its inducements, there were, first in importance we believe, the thousands of private letters that went out at least weekly into the older states from Dakota settlers to their friends and relatives, and neighbors who were possibly considering a removal and were waiting the verdict of the man who had gone in advance. Then the public prints appeared to vie as to which would have the best word to say regarding the great territory in connection with its rapid settlement, its unprecedented activity in building railroads, its wonderfully fertile lands, and bumper crops, its gold output exceeding many millions, the earnest efforts to secure statehood, with nearly two hundred Dakotans at times in Washington pressing her demands for division and admission on Congress; and the scores of newspaper correspondents at the national capital who could always find something new and attractive to say of Dakota; and not to be omitted, Ordway, that governor assiduous to be interviewed and repeat the well-worn tale of his own incorruptibility, and the proneness to evil and extravagance of the people of the territory generally, always excepting the nine spotless ones who made up the capital commission.

#### THE TARIFF CUTS A FIGURE

The tariff was the leading national political question in 1883, in fact it had ever marked a broad and well defined boundary between the great political parties of the country. But its aggressive and economical spirit had never been manifested in the politics of the country until the incoming of the republican party in 1861. A leading tenet of this new republican party was "protection to home industries," as opposed to the dogma of the democratic party, which favored a tariff for revenue, but opposed the tariff for protection. The northern states were republican and favored the protective policy. The southern states were democratic and favored what was termed "free trade," though this term did not correctly define their attitude for democrats in many instances favored protection—a tariff for revenue with incidental protection.

The western states and territories of the republic north had been settled largely by northern people who brought to their new homes their old home ideas and notions about politics and many other things. In the course of time, however, there had grown up in the West a feeling that the East was getting too large a share of the general prosperity, and the West a much smaller share than its merits and resources entitled it to, and there came a demand from the West for a more equitable proportion of the profits. The West was largely agricultural—the East was largely manufacturing, and it was the manufacturing products that received the benefits of protection in much larger ratio than the agricultural West, and the West was taxed to pay these benefits because of its large use and consumption of the manufactured products of the East. And while the West remained unwaveringly republican it began to murmur in the halls of Congress about the inequalities of the tariff, and occasionally made an effort to revise the law and cheapen the products that were costing them too many bushels of wheat and too many pounds of beef to buy a dollar's worth. Dakota was in the West, and more completely an agricultural region than any other.

The Black Hills, while it became famous for its production of the precious metals was also a fertile agricultural and an ideal pastoral region, and would have been able to have built up profitable industries on these pursuits if it had not been a gold producing country, but had been left to depend upon its forests, pastures, and grain lands. Its mineral wealth was unexampled in extent and richness but its production did not occupy a tithe of the area of the hills. In 1882 it was conservatively estimated that 500,000 head of cattle were grazing on the Black Hills ranges, and in the production of all small grain it equaled any portion of the territory in quality and yield per acre.

But that Dakota was essentially agricultural was conceded, and it was therefore to the pecuniary interest of Dakotans, nine-tenths of whom were farmers, and largely republicans, to secure a reduction in the duties of manufactured goods, including clothing stuffs and farm machinery, and inasmuch as no protection of great moment was extended to the agricultural productions of the country it will be observed that its position on the tariff was watched by New England with some concern while Dakota was making such strenuous efforts to get into the Union. And it was an opinion of well informed Dakota people that the New England sentiment in Congress favored the admission of Dakota as one state instead of two for in that way its representation in the Senate would be much easier to satisfy.

Ordway was ambitious to be elected one of the United States senators from Dakota, and even a duller politician than himself would have discerned that he had no chance from Southern Dakota, but there was a bow of promise in the north he could bestow a valuable favor upon the north by securing to that section the capital, and then make one heroic effort to gain admission as one state. The gratitude North Dakota would naturally feel for a friend who had secured to them so much of power and value would surely not fail of expression when the time came to make two senators from the great state. While he had practically secured control of the territorial finances through the appointment of his son George as territorial auditor, and was in a position to make and unmake law through the astute decisions or opinions of his attorney general and president of the capital commission, the Hon. Aleck McHughes, his cup of satisfaction was not yet filled nor his ambition satiated—he longed for the civic crown of a United States senator as a fitting climax and reward for his self-confessed abilities and the great work he had performed in ridding Dakota of its reckless and profligate and unreliable scalawag leaders, and filling their places with the spotless nine who composed the capital commission; occupied the auditor's office; located county seats for the unorganized counties at so much per seat; and adorned the rolls of the minor office-holding gentry in subordinate positions on the boards of territorial institutions and in divers places. There were indications that this prize of senatorship had been hanged within the reach of his vision by some designing persons who knew its value in keeping Ordway in line.

#### NORTHERN PACIFIC RAILWAY COMPLETED

When the Northern Pacific Railway was completed through to the coast, the event was celebrated by the officers of the railroad company with an excursion over the line and brief stops at some of the principal towns and points of interest. Ex Pres. Ulysses S. Grant was an honored guest of the railway people, and during a brief halt of the train at Fargo, the general, as everyone called him, was prevailed upon to make a few remarks though he ever insisted that he couldn't make a speech. The City of Fargo was magnificently decorated in token of the great event which had been ten years on the way, and the national emblems of Germany, France, Italy and Norway mingled their gorgeous colors with the Stars and Stripes. General Grant being vociferously and enthusiastically called for, came out and spoke briefly as follows:

I came out here to be impressed, but I see greater evidence of enterprise in your city and prosperity in your country than I anticipated. All promise great for the future.

Although I have crossed the United States much, and visited nearly every territory as well as state, this is the first time I ever set my foot on Dakota. I am glad to be on so solid and substantial a foundation. I don't like to make a speech, but I should like to shake hands with all of you—but the time is so short.

The ceremony of driving the golden spike—the last spike on the Northern Pacific Railroad—took place September 8, 1883, about forty miles west of Helena, Mont. Ter. Ex-President Grant and a number of notable men were present on the occasion.

#### RAILROAD BUILDING IN NORTH DAKOTA

In January, 1883, the daily journal called the Fargo Argus gave out a statement of the railway projects then being under way in the northern portion of Dakota. The statement included a road projected on the west shore of the Red River of the North from Fargo to Grand Forks. The Manitoba Road was pushing its Fargo and Grand Forks extension northward from Grafton, and would soon connect with the Manitoba & Southwestern from Winnipeg at the boundary line. The Larimore extension was being pushed out towards the Devil's Lake country, and during the summer would reach Creelsburg, on the north shore of that lake. The Manitoba was also building a branch from Sidney to Casselton, connecting the Breckinridge, Hope and Portland extension with the Mayville branch, upon which trains were already operating. The same company had in contemplation another line running from Ripon, about thirty-five miles west of Fargo, where the Hope and Portland Road branches diverge, and this project was to cross the Mayville branch in the vicinity of Amenias, and come into Fargo either directly or upon the Grand Forks extension three or four miles north of the city, near the Cheyenne.

Surveys had been made for the Grand Forks & Missouri Valley Railroad, crossing the Northern Pacific at Oriska; work would begin early in the spring. The Fargo Southwestern branch of the Northern Pacific had been completed, and trains were running to Lisbon, fifty-five miles south of Fargo. This road was to be continued westward, through Ransom and LaMoure counties to Grand Rapids on the James River during the year.

The Northern Pacific having secured the Wahpeton Western extension from the Manitoba Road was laying track through Richland County directly west. This road was to be continued to some point on the James River, and there probably unite with the Fargo & Southwestern, thence combining to make one road to the Black Hills. The Jamestown Northern extension of the Northern Pacific was built out about forty miles; its destination was Devil's Lake at some favorable point where various lines could center and a city of good proportions spring up. Odessa was much in favor.

The Sanborn, Cooperstown & Turtle Mountain Railroad, controlled by Fargo capitalists, had been under construction by the general manager, Charles A. Roberts, and trains were already running ten or fifteen miles. Track laying was under way to Cooperstown, forty miles. The Fargo & Southern Railroad had been graded thirty-five miles south of Fargo, and was to be ironed as early as the weather would permit. There was no section of the United States where railway building was so active as in North Dakota during the period named, and the conservative estimates then made foretold the laying of 1,000 miles of railway track before the close of the year in the country east of the Missouri River.

#### TRANSPORTING BLACK HILLS MINERAL PRODUCTS

The transporting of the mineral products of the Black Hills to the railroad was a hazardous and expensive business in the early days. Her gold and silver mines and mills were separated from the civilization and conveniences of the outer world by nearly two hundred miles of Indian country which for a number of years was infested by small parties of lawless Indians and by a more formidable



enemy, a pale faced banditti, composed of a number of the daring and lawless spirits of the frontier, which preyed upon the valuable mineral products of the hills country during their transfer across the unsettled Indian country which separated the hills country from the Missouri River at Pierre. Prior to 1880, the treasure coach was sent out to the Union Pacific but the completion of the North-western to Pierre in 1880, furnished a nearer point over a better road. This coach carried no passengers or express—it was built especially for the purpose of safely transporting across the wild country, about three hundred thousand dollars in gold which was contained in a gold brick weighing about one hundred and fifty pounds, and as the gold output at the time averaged about six hundred thousand dollars per month, the treasure coach made two trips each month. It was an armored vehicle, bullet proof. Five men, captained in 1882 by Scott Davis, all skilled in border warfare, and known to be fearless, dauntless, possessing unerring skill with the rifle and pistol, guided the treasure and drove the coach. No ordinary band of robbers could obtain a fighting foothold within rifle shot of the vehicle. Its crew were selected with the greatest care. They had years of frontier experience among the lawless classes, and were selected for their invincible courage, their honesty and intelligence, and sobriety as a crowning recommendation. They were, as a matter of course, well paid, but they were so trustworthy, and were held in such respectful fear by the bold bandits that the coach had made its trips and safely delivered its treasure during a period of five years without a disturbance. At the last robbery, which occurred at Canon Springs on the southern route to the Union Pacific in 1878, after the robbers captured the coach it took them three hours, with sledge hammers, gun-powder and chisels to open the safe in which the gold brick, weighing in the neighborhood of one hundred and fifty pounds, was contained. Notwithstanding the precautions taken to secure the gold in the very best safe it was possible to procure the messengers guarded it awake every minute during the journey, never relaxing their vigilance during the thirty-six to forty hours occupied in the transit from Deadwood to Pierre.

## ASSESSMENT FIGURES COMPARED

The increase of the assessed valuation for 1883 over 1882, was over twenty-one million dollars, nearly fifty per cent increase, and this increase seemed to have been uniform for the four years past. The estimated valuation for 1884 was \$100,000,000. Here follows an abstract of the assessment rolls by counties for 1883 compared with that of 1882:

Counties	1883	1882
Aurora .....	\$ 550,335.00	\$ 1,080,000
Barnes .....	2,216,628.00	1,630,764.00
Beadle .....	1,071,493.00	350,258.00
Ben Homme .....	1,122,000.00	788,100.00
Brookings .....	936,186.00	926,105.00
Brown .....	2,265,020.00	651,120.49
Brule .....	436,688.00	193,823.00
Burleigh .....	3,297,542.00	2,363,767.00
Cass .....	6,539,900.00	4,738,805.00
Charles Mix .....	78,940.00	29,847.50
Clark .....	415,011.30	110,001.00
Clay .....	1,106,683.00	861,793.00
Codington .....	1,368,791.00	849,494.00
Custer .....	379,065.97	592,976.00
Davison .....	919,530.92	418,136.00
Day .....	280,215.00	124,528.23
Deuel .....	597,782.00	485,154.00
Dickey .....	204,003.17	none
Douglas .....	199,410.00	none
Grand Forks .....	5,009,584.00	3,677,631.00
Grant .....	842,848.00	813,434.00
Griggs .....	1,293,735.00	none



Counties	1883	1882
Hamlin .....	439,354.70	283,692.00
Hand .....	364,474.00	none
Hanson .....	583,023.95	372,411.75
Hughes .....	724,532.00	333,560.30
Hutchinson .....	881,837.00	638,935.00
Kidder .....	601,123.40	856,771.00
Kingsbury .....	771,014.50	466,379.00
Lake .....	632,423.00	444,083.00
La Moure .....	1,418,475.75	825,659.30
Lawrence .....	3,738,099.00	5,141,208.00
Lincoln .....	1,149,539.44	1,096,848.00
McCook .....	528,667.00	358,690.50
Minnehaha .....	2,268,544.86	1,720,066.06
Miner .....	264,396.00	164,762.00
Moody .....	708,943.00	656,520.00
Morton .....	1,016,255.00	573,874.00
Nelson .....	225,263.00	none
Pembina .....	2,771,984.70	1,524,377.00
Pennington .....	521,903.00	527,226.06
Ramsey .....	271,332.00	none
Ransom .....	1,237,485.00	671,281.00
Richland .....	2,638,315.00	1,825,191.00
Spink .....	2,041,995.50	624,352.00
Stark .....	240,228.10	none
Steele .....	235,042.00	none
Stutsman .....	2,907,667.46	1,705,645.00
Sully .....	70,281.00	none
Traill .....	2,134,366.04	2,273,106.00
Turner .....	977,468.00	872,522.00
Union .....	1,024,257.00	848,932.00
Walsh .....	2,701,253.00	1,493,995.00
Yankton .....	1,827,584.00	1,975,390.00
Total .....	\$69,155,909.82	\$47,701,479.35
Increase .....	21,454,430.00	

For the four years ending in 1883 the assessed valuation had been:

For 1880 .....	\$20,750,782
For 1881 .....	31,301,818
For 1882 .....	47,701,479
For 1883 .....	69,155,907

## ESTIMATED POPULATION

Counties	1882	1883	Counties	1882	1883
Aurora .....	1,500	5,000	Kidder .....	500	1,000
Barnes .....	4,000	5,000	Kingsbury .....	3,890	6,000
Beadle .....	4,200	8,000	Lake .....	3,890	5,000
Benson .....	none	500	La Moure .....	500	1,200
Bon Homme .....	5,669	6,979	Lawrence .....	13,248	12,500
Billings .....	none	500	Lincoln .....	6,397	7,000
Brookings .....	6,465	7,500	McCook .....	3,224	4,500
Brown .....	5,950	7,500	McLean .....	none	500
Brule .....	2,100	5,000	Minnehaha .....	9,752	12,750
Burleigh .....	3,782	6,000	Mercer .....	none	500
Butte .....	none	700	Miner .....	2,883	5,000
Cass .....	12,998	26,500	Moody .....	4,815	5,000
Charles Mix .....	578	1,500	Morton .....	2,000	3,750
Clark .....	1,192	3,500	Nelson .....	none	3,500
Clay .....	5,201	5,500	Pembina .....	5,962	9,000
Codington .....	5,003	0,500	Pennington .....	2,440	3,000
Custer .....	1,595	1,800	Potter .....	none	500
Davison .....	2,512	5,550	Ramsey .....	510	4,000
Day .....	700	3,000	Ransom .....	4,200	4,920
Deuel .....	3,521	3,995	Richland .....	6,597	8,000
Dickey .....	700	4,000	Renerts .....	none	2,500
Douglas .....	1,000	2,000	Sanborn .....	none	3,000
Emmons .....	none	500	Sargent .....	none	1,000
Edmunds .....	none	3,000	Spink .....	3,905	6,000
Faulk River .....	none	3,000	Stark .....	none	1,450



STANDEY GOLD MINE, ROCHEFORD, BLACK HILLS



Counties	1882	1883	Counties	1882	1883
Faulk .....	10,000	30,000	Steele .....	1,000	2,000
Fall River .....	none	7,000	Stutsman .....	7,000	20,000
Forster .....	none	1,000	Sully .....	1,000	3,000
Grand Forks .....	12,000	20,000	Traill .....	1,000	10,000
Grant .....	10,000	7,000	Towner .....	1,000	7,000
Griggs .....	1,000	3,000	Union .....	2,000	7,000
Hamlin .....	1,000	2,000	Wahkiakum .....	1,000	1,000
Hand .....	1,000	2,000	Walworth .....	1,000	1,000
Hanson .....	2,000	3,000	Yankton .....	8,000	9,000
Hughes .....	1,000	2,000			
Hutchinson .....	7,000	7,000	Total .....	21,000	110,000
Hyde .....	none	2,000			
Jerauld .....	none	1,000	Increase for year 1883. ....		122,000

## A TRIBUTE TO DAKOTA AND ITS PEOPLE

The following pen picture of the Territory of Dakota at this time may have been somewhat exaggerated, but it portrays quite reliably the buoyant character of the Dakota people at this date; the general activity in all departments of industry which engaged the attention of the people, and the optimism everywhere prevalent, which would engage and interest the thoughtful sojourner; and it was such a person who paid this tribute to Dakota:

Among all the regions of the earth this young Dakota land is in many respects without a rival or peer in vastness of area, variety and exhaustlessness of resources, invigorating qualities of climate, intelligence, energy and enterprise, or its population and in development it is without an equal among the states and territories of the Union. It is as large as all the New England states—New York, New Jersey, Delaware and half of Pennsylvania combined. It is as far in a straight line from Pembina on its northern boundary to Yankton on its southern as from Chicago to Memphis, from Ontario to Washington, or from New York to Raleigh, N. C. From its northwestern to its southeastern corner it is as long a journey as from St. Paul to New York, or from Burlington to New Orleans. In this mighty, breezy, sweet and lake gemmed domain lie the greatest wheat fields, the largest gold mines, and the greenest pasture lands on the face of the globe. Its climate is better than all the porous plasters, liver perambulators, and lung balsams that quacks' or doctors' skill ever invented. Its merry zephyrs, which untutored barbarians of the outside world sometimes decry as blizzards, sweep all miasma and malaria away from its rich soil and beautiful valleys and plains, and all slanders about the arctic rigidity of its winters may be silenced by a glance at any reliable map. The northernmost line of Dakota is 100 miles south of the southernmost point of England, and Pembina, on the international boundary line, is in precisely the same latitude as Paris.

Crops, ideas, people, fortunes, and everything else grow so vast that it makes a down-easter's head swim like a fishing cork in a maelstrom to watch them.

It is not strange that the dwellers in this realm without a parallel should be somewhat different from the common folks. Nowhere else beneath the sun was there ever gathered such a pioneer population. No hickory shirts and hob-nailed rawhide boots, no log cabin and coonskin caps, no lumbering old ox wagons full of tow-headed children with a half dozen brindle dogs trotting along between the wheels, no coarse homespun, no hog hominy. Our pioneers come in palace cars, reading the latest novel or Longfellow's rhythmic twaddle about "The Land of the Dakotas." Their costumes tell of jaunts to Saratoga and Newport and their wives are up in all the mysteries of Worth, Demorest and Butterick, and familiar with the newest in operas and dance steps. All farm work is done by machinery. The ground is broken by sulky plows, the sowing done by buggy seeders, the golden grain is harvested with self-binding reapers and threshed by steam, while the engine feeds itself with straw for fuel. Our grangers farm with tailor-made suits, wear gloves to protect their hands, and scent their handkerchiefs with the soft fragrance of new mown hay.

Such opportunities, such advantages, such bewildering chances to combine labor and luxury, profit and pleasure, fortune and fun, could not long escape the notice of the working millions in less favored realms, and the growth of this far northern elysium has actually amazed the world. The tales of oriental magic, the castles built by enchanters' spells in the dew-fall of night, dwindle to nothingness beside the everyday realities of Dakota's wonderful progress, now apparently at its zenith.

## COUNTY FAIRS AND COUNTIES

In the year 1883 county fairs were held in the counties of Aurora, Moody, Lincoln, Bon Homme, Spink, Lawrence, Beadle, Davison and Kingsbury. An



agricultural exposition was held at Sioux Falls, and the Southeastern Dakota Industrial Association held a fair at Yankton.

Twenty-five counties were organized, the greatest number in one year in the career of the territory, namely—Emmons, Sanborn, Butte, Roberts, Billings, Jerauld, Buffalo, Sully, Campbell, Edmunds, Fall River, Potter, Foster, McLean, Sargent, Nelson, Ramsey, Benson, McPherson, Faulk, Mercer, Stark, Steele, Towner, and Walworth.

Joseph G. Chandler, of New Hampshire, son of the secretary of the navy, was appointed register of the United States Land Office at Yankton in May, 1883, succeeding to Hughes who had been appointed attorney general, and a member of the capital commission.

The Chicago, Milwaukee & St. Paul Railway Company began its survey from Scotland to Mitchell and also a line in a northwesterly direction through Douglas County in the early winter of 1883-84. It was stated that the last mentioned line was intended to form a junction with its Chamberlain Line at Kimball or Pukwana.

Harrison Allen, of Pennsylvania, was appointed United States marshal of Dakota to succeed Butler B. Strang, also of Pennsylvania, who received the appointment succeeding Marshal Raymond, but found the official duties uncongenial, and concluded to resign after looking the Dakota field over.

Butler B. Strang was appointed United States marshal March 9, 1882. He was born in Steuben County, New York, March 6, 1829. His father was Rev. Francis Strang, a Methodist clergyman. The family moved to Tioga County, Pa., in 1850. Mr. Strang was a lawyer and a prominent political worker in the republican party. He had seen service in the Pennsylvania Legislature, and was president of the State Senate four years. He wanted a judicial appointment, but accepted the marshalship, and intended to look the Dakota field over before deciding to retain it.

Mr. Strang subsequently killed himself as the following paragraph relates. This intelligence came from Elmira, N. Y., under date of May 11, 1884:

Butler B. Strang's life was ended by his own act of shooting a revolver bullet through his right temple at his home in Westfield, Tioga County, Penn., at 6.30 on the morning of May 10th. He had been in poor and constantly declining health since 1881, when he accepted a Government appointment as marshal of Dakota Territory, in the vain hope that a change of climate might prove beneficial. Upon returning home a year later he grew weaker, and his general debility became so complete that, with lung troubles in addition, hopes of his recovery were given up some weeks ago. Still he was able occasionally to leave his bed. Saturday morning he arose early, dressed himself, and was making his toilet in the presence of his wife and son Benjamin, when, without attracting their attention, he took a revolver from a drawer and lodged a bullet in his brain. He did not speak after the shot. His protracted illness, without hope of recovery, was undoubtedly the cause of the action, as the coroner's jury found. In the campaign of 1880 he was a most fearless associate of John J. Mitchell, since elected United States senator. In politics he was regarded as an able and worthy leader, and his death will be generally lamented.

#### COUNTY ORGANIZATION FRAUDS

Governor Ordway's term would expire in May, 1884, and he was anxious for a reappointment, for which he was supported by the same interests that procured a removal of the capital. It is hardly probable that President Arthur would have reappointed him, but there was no question that the New England influence that secured his appointment in the first instance was still a powerful factor in republican circles in Washington. Ordway's unpopularity in the territory had approached very near to being a unanimous sentiment. It was claimed that the petitions against his reappointment that were sent to the President from the different portions of the territory contained in the aggregate over thirty thousand names of lawful citizens. In addition to these petitions copies of affidavits were also filed with the President reciting the flagrant abuses and criminal practices that attended the governor's part in the organization of new counties. The fol-

lowing are copies of some of those that were filed in the executive department, and probably relate to the same matters that led to Ordway's indictment and the absconding of Mr. Tebbetts from the territory to avoid being subpoenaed as a witness. Mr. Tebbetts at this time was a prospective member of the Ordway family. He was also said to have been quite near an indictment for his part in the bribery affairs. The first affidavit concerns the Faulk County organization, as follows:

Thomas H. McMullin, one of the townsite proprietors of LaFoon, Faulk County, in an affidavit sworn to before C. H. Squire, notary public, Faulk County, says:

On or about September 2, 1883, William B. Tebbetts came to LaFoon and showed a letter from George L. Ordway, son of Governor Ordway, stating that Tebbetts came to Faulk County for the purpose of looking it over with reference to its organization.

Tebbetts stated to me that the county would be organized as soon as he reported to the governor, and in accordance with his report, I met Tebbetts at the office of D. W. Hunt, in LaFoon. There were present, besides Tebbetts, C. E. Hardy, D. R. Miller, John Hough, F. W. Rogers and myself, all of whom were members of the Townsite Company, and D. L. Smith, who had land adjoining. Conversation was had with Tebbetts relative to the location of the county seat. One of the party proposed to Tebbetts that he become a partner in the townsite of LaFoon. To this Tebbetts assented. The meeting then broke up and Tebbetts withdrew. The balance of the party, being a majority of the shareholders of the Townsite Company, then held a meeting at which it was agreed to give Tebbetts one half of the townsite of LaFoon, comprising 160 acres. They also concluded to give him all the land they could get donated and whatever money they could get subscribed. It was agreed that those who donated the lands should execute deeds to Tebbetts, and that the deeds and money subscribed should be placed in the hands of D. R. Miller, of Redfield, to be delivered and paid to Tebbetts whenever Faulk County should be organized and the county seat located at LaFoon. I proceeded at once to procure the deeds of property donated, and D. R. Miller and John Hough went to work to raise money. I obtained deeds from Andrew Greenwald, Louis Kneisel, Jr., Lee M. Sprowls, James P. Rathborn, James W. Johnson, William T. Hensley, Lawrence W. Hensley, Darius S. Smith, Joel C. Booth and Nora Reppy, for 380 acres of land in all. After I had procured these deeds they were shown to Tebbetts, who expressed himself as highly gratified at the result. He was also informed of the amount of money subscribed, and which I then understood and have since been informed amounted to about three thousand dollars.

The deeds were delivered to Doctor Miller, of Redfield, with a paper accompanying them signed by each, stating that they (the deeds) were to be delivered to William B. Tebbetts upon the happening of a certain event, to wit "when commissioners for Faulk County were appointed by the governor, and the county seat located at LaFoon." After the delivery of the deeds Mr. Tebbetts went away. He said he was going to Bismarck to see the governor and make report. I saw Tebbetts again October 1, 1883, in the presence of D. R. Miller, in the latter's bank at Redfield. Miller said it was all right, but the deeds would have to be changed and made out to him (Miller), and that he would convey to Tebbetts. Miller stated, in the presence of Tebbetts, that the reason for changing the deeds was because it appeared too open and barefaced to have the deeds go direct to Tebbetts. In accordance with the request, new deeds were executed to D. R. Miller. I wrote out four of the deeds myself. One of the deeds, that of Kneisel, was not changed but went on the record direct from him to Tebbetts. I have been informed, and so understand, that the money subscribed, amounting to about three thousand nine hundred and ninety-nine dollars, was paid to D. R. Miller, to be paid by him to Tebbetts, and that it was so paid. Tebbetts subsequently returned from Bismarck to Redfield, and stated that the governor wanted a petition asking for the appointment of the commissioners that we wanted. Hereupon a petition was prepared and privately circulated around LaFoon and the eastern portion of the county, asking for the appointment of Thomas L. Humes, Matthew J. Jarvis, and Harvey A. Humphrey. This petition was forwarded to the governor, and the parties above named were appointed commissioners of Faulk County.

E. S. Spinden, one of the townsite proprietors of Faulkton, in an affidavit made before W. S. Bowen, notary public, Yankton County, stated that he met Governor Ordway in June, 1883, after numerous petitions for organization had been sent to him, and represented the urgent necessity of the immediate organization of Faulk County. In August, 1883, he saw George L. Ordway at Pierre, and was informed by the latter that he had sent W. B. Tebbetts to Faulk County to look the ground over, and that the parties interested could confer with Tebbetts. On returning to Faulkton, Spinden met Tebbetts, who said that he had been sent there to investigate and report. Spinden told Tebbetts that it was unnecessary to keep up pretenses, and he was prepared as president of the Faulk

ton Townsite Company to make an offer for the county seat. The townsite company offered Tebbetts, or those for whom he was acting, 120 acres of land adjoining Faulkton, 250 lots in the townsite and \$1,000 in cash. Tebbetts remained ten days in Faulkton and went to LaFoon. He assured Spinden that they would have an opportunity to make a second bid if necessary. Afterwards Spinden went to Pierre and told Tebbetts they would add to their offer the hotel at Faulkton, and \$1,000 for him (Tebbetts) personally. Spinden regarded him as acting for Governor Ordway, to whom he said he was to report. It was understood by them all that a bonus must be given to Governor Ordway before the commissioners were appointed. Of the three members of the board appointed two were residents at the time of their appointment of Spink County.

H. A. Humphrey, of Faulkton, one of the commissioners of Faulk County appointed by Governor Ordway, in an affidavit taken before C. H. Squire, notary public, Faulk County, stated that the letter written and signed by George L. Ordway, the governor's son, and brought by Tebbetts to Faulkton, stated that Tebbetts came there for the purpose of looking the county over in view of its approaching county organization. Humphrey had several interviews with Tebbetts, who said he wanted to see the most prominent men in various localities, and gave Humphrey to understand that the county would be organized in accordance with his report. He further gave Humphrey to understand, in a manner not to be mistaken, that he was prepared to receive and consider any propositions that might be made to him with regard to Faulkton securing the county seat. On being asked what proposition LaFoon had made, Tebbetts replied that that was confidential. Humphrey also stated that he had been informed by men who subscribed as large amounts of money and land in consideration of the location of the county seat at LaFoon.

George W. Fifield, P. B. Durley, H. A. Humphrey and J. A. Pickler, of Faulkton, and Thomas H. McMullen, of LaFoon, in a joint affidavit before C. H. Squire, notary public, Faulk County, recite the facts in regard to the repeated efforts of the citizens of Faulk County to obtain organization. Petition after petition was forwarded for this purpose, but in vain. The affidavit states that during the period of eleven months between the time the county should have been organized, as required by law, and the time it was finally organized, Faulk County was without local government or any court of justice, and without schools, being without the power to levy taxes for their support; that many settlers, residents of the county, in making final proof on their claim, were put to great trouble and expense by being compelled to travel with their witnesses a distance of from thirty-five to forty miles to an adjoining county to reach an officer who could administer the necessary oath; that litigants and witnesses were compelled to travel a like distance at like expense in any action or proceeding at law.

Nora Reppy, a property owner residing near LaFoon, in an affidavit before J. M. Miles, clerk of the District Court, Faulk County, states that at the time of Tebbetts' visit to LaFoon, as the representative of Governor Ordway, she was asked how much of her land she would give to have the county seat at LaFoon. She gave forty acres, being the southwest fourth of section 17, town 118, range 68, a deed for which she executed to Tebbetts and delivered to D. R. Miller, a banker of Redfield, to be given to Tebbetts when LaFoon got the county seat. She understood that the land donated by herself and others was for the governor, and that LaFoon's chances for the county seat depended on the amount of land and money donated.

The certified copies of the deeds on record in the office at LaFoon of J. H. Bottom, register of deeds for Faulk County, Dakota, which accompany the affidavits, show the following transfers:

Louis Kneisel, Jr., to William B. Tebbetts, forty acres, consideration \$1. Andrew Greenwald to D. R. Miller, twenty acres, consideration \$1. Alexander LaFoon to D. R. Miller, forty acres, consideration \$1. Lee M. Sprowls to D. R. Miller, forty acres, consideration \$1. James P. Rathbun to D. R. Miller, twenty acres, consideration \$1. William P. Hensley to





YANKTON COLLEGE.

Founded in 1883 by Rev. Joseph Ward.





D. R. Miller, twenty acres, consideration \$3,000. Lawrence W. Hensley to D. R. Miller, twenty acres, consideration \$1. Darius S. Smith to D. R. Miller, and Anna M. Smith, his wife, to D. R. Miller, forty acres, consideration \$1. Joel C. Booth to D. R. Miller, sixty acres, consideration \$1. D. R. Miller and Leha E. Miller, his wife, to William B. Tebbetts, 280 acres, consideration, \$2,800.

The description and amount of property conveyed by Andrew Greenwald and others to D. R. Miller correspond with that of the property conveyed by Miller and his wife to William B. Tebbetts except in one instance, where twenty acres are deeded by Miller to Tebbetts in lieu of forty acres deeded to Miller by LaFoon. The other twenty acres may have been allowed Miller, who was a Redfield banker, as his per cent for negotiating the transaction.

The value of the one-half interest in the 160-acre town proper, which Tebbetts received according to the affidavit of Thomas H. McMullen, cannot be less than \$10,000 to the owner, if he will handle it properly. It is extremely probable that \$15,000 will be realized this year by the owner of that half interest.

Concerning Hyde County, Dr. A. W. Perkins, of Highmore, editor of the *Vox Populi*, in an affidavit before D. S. Martin, clerk of the District Court, Hyde County, states that on or about the 1st day of June, 1883, he went to Pierre, where Governor Ordway then was, to confer with the latter relative to the organization of Hyde County.

I met him by appointment at the First National Bank of Pierre. During this interview with Governor Ordway a full and free conversation was had with him relative to the organization of Hyde County, and the location of the county seat. I had previously had a conversation with one J. S. Harris relative to its location upon his land, he having expressed a willingness to convey a three-fourths interest for the location of the county seat, being an undivided three-fourths interest in 160 acres. It was agreed in this interview with Governor Ordway, that he (Ordway) would appoint commissioners who would locate the county seat upon the land of the said Harris and in consideration thereof he (the governor) was to have the said three-fourths interest, to be deeded by the said Harris, and to fully control the same, and out of the said three-fourths interest (the governor's share) he, the governor, was to satisfy the railway company for any demands they might make for putting in a station. It was agreed that the governor should appoint as commissioners L. F. Whitcher, John Falde, Jr., and A. E. VanCamp. Subsequently, on or about the first day of August, the commissions appointing Whitcher, Falde and VanCamp were issued but were not delivered until about the 1st of October following, at which time all of said commissions were sent to Whitcher, who delivered the commission to VanCamp but refused to deliver the one issued to Falde. Subsequently Governor Ordway attempted to revoke the commission of Falde and appoint in his place and stead, one George W. Dunham, whose land adjoins the Harris section, upon which the county seat was to be located. I have been informed and verily believe, and it was well understood in this community that the reason why Governor Ordway revoked the commission of Falde was because he had been informed that he would not vote to locate the county seat upon the land of the said J. S. Harris. The land belonging to Harris and upon which it was proposed to locate the county seat, is in section 12, township 112, range 73 (five miles west of Highmore).

A. S. Gerhart, J. H. VanCamp, A. E. VanCamp, D. A. W. Perkins, John Zwright, L. C. Hadley and J. R. Goudy, citizens of Highmore, Dakota, in an affidavit before E. S. Martin, clerk of the District Court, Hyde County, set forth the facts in relation to the many fruitless attempts made by the people of Hyde County to secure organization from the date of a public meeting held on November 30, 1882, when a petition to the governor asking the appointment of commissioners, was signed by sixty-seven bona fide residents of age, to the time of the dual organization of the county in the latter part of September, 1883. During the interim the county was without local government or schools, settlers were compelled to travel long distances at great expense to prove up on their homestead or pre-emption claims, and the people were left without any protection of law, either civil or criminal. Finally, when organization was determined on, Governor Ordway appointed two boards of commissioners, both of which were attempting to exercise the duties and functions of office, which had entailed expensive and vexatious litigation upon the people of the county.

## CHAPTER XCIII

### COMMON SCHOOL STATISTICS—BEADLE, SUPERINTENDENT

1884

GEN. W. H. H. BEADLE, TERRITORIAL SUPERINTENDENT—COMMON SCHOOL STATISTICS—GILBERT A. PIERCE APPOINTED GOVERNOR—HIS INAUGURATION—ORGANIZATION OF THE GRAND COMMANDERY—APPOINTMENT OF JUDGES—MISSOURI RIVER COMMISSION—DEMOCRATIC TERRITORIAL CONVENTIONS—REPUBLICAN CONVENTIONS—O. S. GIFFORD, REPUBLICAN NOMINEE FOR CONGRESS—JOHN R. WILSON, OF DEADWOOD, DEMOCRATIC NOMINEE—CLEVELAND ELECTED PRESIDENT—GIFFORD ELECTED DELEGATE—THE OFFICIAL VOTE—COMMENT.

#### COMMON SCHOOL STATISTICS

In 1884 Gen. W. H. H. Beadle was the territorial superintendent of public instruction, having held the position since the coming in of Governor Howard in 1878. He was generally acknowledged to have given to the position its widest sphere of value and usefulness, supplemented by an ability of the highest order, and years of painstaking study and investigation of the common school subject which included every phase of the best systems then known and practiced in the United States. His term of office had extended through six or seven of the most important years in the history of the territory, beginning just before the marvelous increase of immigration in 1879, and extending through a period in which the territory grew in population from fifty thousand to seventy-five thousand each year for the year terminating in 1884, during which period much more than one-half of the territory open to white settlement was entered upon and occupied by a permanent white population, fifty-nine new counties were organized, school districts and schools established in an orderly and satisfactory manner, while no neglect occurred to the educational interests in the more than thirty counties that had been organized prior to the coming in of Mr. Beadle as superintendent. While the administration of Governor Ordway was properly chargeable with many flagrant official delinquencies, in the department of education we fail to discover even one complaint. He discovered that a competent head had been selected for that important department of territorial government, and sagaciously concluded not to disturb it. It is no exaggeration to claim that there was no portion of the United States where greater activity could be found in meeting the demands for common schools than existed in Dakota during the years given, or where the administration of the work was performed with better system, with greater promptness, or with more satisfaction to the hundreds of thousands of people directly interested. It is not at all remarkable that at a later day his valuable services so faithfully and ably performed, without ostentation, should awaken a widespread sentiment favorable to an honorable recognition of his labors by setting up a suitable and permanent testimonial of the public appreciation of a citizen who had guarded the educational interests of every community so successfully and with such prosperous results through the most difficult, though most prosperous period of our territorial career.

On his retirement from office, which occurred with the coming in of Governor Pierce, the general placed on record a valuable report, from which we have endeavored to glean a summary of the growth of our common schools during

those years when the immigration fairly flooded the territory, as well as other items connected with the educational interests of the people.

As showing the unprecedented growth, and for the purpose of comparison, the reports for the school year ending in March, 1883 and 1884, exhibiting similar items are selected. It should be stated, however, that the school year of 1883 ended in March. The law was amended by the Legislature of that year, fixing the termination of the school year at June 30, hence the report for 1884 includes fifteen months and one school term more than that of its predecessor. We first quote from the report of 1882-83.

The following is a summary of the statistics of public schools for the school year beginning April 1, 1882, and ending March 31, 1883, so far as received from the counties. The succeeding tables exhibit these items in detail and also show the defective nature of many of the reports. (Total number of organized counties in Dakota at the close of 1882 was fifty-seven, leaving thirteen that made no report.):

Number of counties reporting .....	44
Number of organized school districts .....	1,644
Number of schoolhouses, frame .....	1,042
Number of schoolhouses, stone .....	12
Number of schoolhouses, brick .....	26
Number of schoolhouses, log .....	56
Number of schoolhouses, total .....	1,136
Value of permanent school property .....	\$ 937,704
Total sittings in schoolhouses .....	28,377
Number of persons over five and under twenty-one years .....	56,476
Number enrolled in schools .....	1,782
Total average attendance .....	20,500
Number of graded schools .....	51
Number of ungraded schools .....	1,356
Average number of days schools were taught .....	93
Number of teachers employed—men .....	461
Number of teachers employed—women .....	1,370
Average compensation of teachers—men .....	97.70
Average compensation of teachers—women, per month .....	30.70
Amounts paid or due county superintendents during year .....	\$ 11,722.72
Average of same .....	287.72
Par value of school bonds outstanding .....	451,733.00
Amount of other indebtedness .....	188,081.00

#### RECEIPTS OF SCHOOL TREASURERS

On hand at date of last report .....	\$ 98,761.88
From two-mill county tax .....	77,802.24
From district taxes .....	254,490.29
From sale of bonds .....	183,490.29
From all other sources .....	28,623.00
<b>Total receipts .....</b>	<b>\$630,796.68</b>

#### EXPENDITURES

For schoolhouses, furniture, sites, etc. ....	\$274,744.52
For teachers' wages .....	181,661.70
For incidental expenses .....	17,750.00
For interest and debts .....	28,750.00

Counties Reporting	Dist. No.	No. Schools	No. Children Male	No. Children Female	Aver. Attend.	No. Teachers
Aurora .....	6	6	173	170	100	10
Barnes .....	60	29	602	518	280	20
Beadle .....	30	40	800	700	310	15
Ben Hounie .....	54	54	1,152	781	200	49
Brookings .....	77	63	1,010	1,010	200	81
Brown .....	32	14	471	470	100	10
Big Horn .....	69	57	575	575	100	10
Butte .....	7	10	200	200	100	10
Carlisle .....	92	80	2,208	1,081	1,118	100
Cass .....	14	4	100	100	100	4
Charles Mix .....						



Counties Reporting	Dist. No.	No. Schools	No. Children Male	No. Children Female	Aver. Attend.	No. Teachers
Clay	47	47	1,245	947	1,123	83
Codington	30	30	590	604	398	27
Custer	5	4	101	94	104	5
Davison	48	18	750	650	500	22
Deuel	38	29	496	408	292	31
Douglas	5	1	37	34	15	1
Grand Forks	59	32	1,224	1,079	584	32
Grant	50	30	502	600	674	42
Griggs	12	2	22	17	22	2
Hamlin	18	12	202	191	159	14
Hand	5	1	47	58	15	1
Hanson	20	11	355	279	308	24
Hughes	4	2	159	141	60	4
Hutchinson	68	51	1,204	1,204	790	55
Kidder	4		43	40		
Kingsbury	41	28	442	420	338	34
LaMoure	4	13	33	27	10	1
Lawrence	33	32	1,207	911	850	41
Lincoln	72	75	1,221	1,158	1,016	112
McCook	52	32	595	496	349	40
Miner	49	9	310	251	149	10
Minnehaha	83	79	1,000	1,501	1,720	66
Moody	56	56	710	621	868	66
Morton	3	5	255	175	100	4
Pembina	48	32	1,322	1,003	510	34
Pennington	14	14	190	200	240	13
Ransom	21	12	269	200	144	13
Richland	39	38	749	692	439	40
Stutsman	20	10	380	270	350	15
Traill	47	41	840	613	547	30
Turner	60	59	988	909	991	85
Union	65	65	1,459	1,385	1,130	100
Walsh	66	51	1,105	1,393	1,275	54
Yankton	58	59	2,109	1,324	1,447	75
Total	1,044	1,407	29,894	26,582	20,560	1,517

There are fifty-one graded schools included in the total number of schools.

The table is made up from the territorial superintendent's report for year ending March 31, 1883, and is to be compared with the report for the year ending April 30, 1884, which reveals a remarkable growth not alone in schools but in number of counties reporting and new ones organized.

There are eighty-one organized counties in the Territory of Dakota at the date of this report, but the statistics are derived from sixty-five only of these, the remaining sixteen not having been organized long enough before the close of the school year to furnish any statistics, or in a very few cases failing for reasons not given. Those lacking are all new counties. The act of 1883 changed the ending of the school year from March 31st to June 30th, and left fifteen months in the year included in this report. While this gave a longer time for building schoolhouses and holding schools, it did not increase greatly any but the schoolhouse statistics since there were taxes for but one year to expend, and practically all the first three months were in many respects used in the transition to the new law. Yet the aggregate statistics are increased from this and other causes beyond what they would otherwise have been. To the common school statistics are added some of the expenditures for the higher institutions made in the same period, and other expenses of the school system.

Summary of the statistics of the public schools of Dakota Territory for the school year beginning April 1, 1883, and ending June 30, 1884:

Number of organized counties in Dakota Territory.....	81
Number of counties included in this summary.....	65
Number of school townships organized in fifty counties .....	567
Number of school districts organized in fifteen old counties.....	1,042
Number of persons, June 1, 1884, over seven and under twenty years	77,499
Number of pupils enrolled in public schools.....	50,031
Percentage of attendance of those enrolled.....	65
Average cost of tuition per month for each pupil.....	\$2.20
Number of teachers employed, males.....	863
Number of teachers employed, females.....	2,048
Average pay of teachers per month, males.....	\$38.43
Average pay of teachers per month, females.....	\$31.79

Number of schools graded	89
Number of schools not graded	10
Average number of days school was taught	90
Schoolhouses built during year	700
Whole number of schoolhouses, graded	70
Whole number of schoolhouses, ungraded	10
Sittings in schoolhouses	30,000
Value of permanent school property	\$1,689,658.00
Teachers' certificates issued in school year, first grade	518
Teachers' certificates issued school year, second grade	801
Teachers' certificates issued, third grade	1,026
Certificates issued, probation grade	1
Total certificates issued	1,846
Number of applicants rejected	107
County institute fees received	\$2,888
Same remaining on hand	\$1,887
Number of qualified teachers at date of report	2,210
Number of different schools visited by county superintendent	1,640
Whole number of visitations	2,806
County institutes held	30
Township institutes held and reported	99
Sessions of county teachers' associations	70
Territorial institutes	1
Sessions of Territorial Teachers' Association	2
Amount paid and due school officers, services and expenses	\$16,341.60
Amount paid and due county superintendents in fifteen months	\$32,639.00
Par value of school bonds outstanding	\$1,070,505.00
Amount of school warrants outstanding	\$360,376.68

## RECEIPTS BY TREASURERS OF SCHOOL CORPORATIONS

Cash on hand April 1, 1883	\$ 122,491.89
Received in special fund, local taxes, from all sources	603,876.81
Received from county apportionment	305,243.22
Received from sale of bonds	1,003,562.99

## EXPENDITURES

For schoolhouses, sites and appendages	\$ 631,962.83
For teachers' wages	394,788.47
For incidental expenses	135,406.70
Paid interest on bonds	73,779.22
On other debts and liabilities	79,944.50
Total common school expenditures	1,306,878.72
Balance cash on hand, June 30, 1884	296,684.27

## ADDITIONAL EXPENDITURES

Amount paid county superintendents by counties	\$ 32,639.00
Expended by counties for institutes	1,000.00
Expended by territory for institutes	800.00
University buildings, Vermillion	30,000.00
University buildings, Grand Forks	30,000.00
Agricultural College Building, Brookings	20,000.00
Normal School Building, Madison	7,000.00
Normal School Building, Spearfish	5,000.00
Donated by localities to all these institutions	30,000.00
For salaries and other expenses of same	23,000.00
Salary superintendent public instruction, fifteen months	1,875.00
Expenses of his office for fifteen months, about	1,000.00
Printing school laws	800.00

Total expenditures .....\$1,786,676.99

The names of the newly organized counties, numbering sixteen not given in the accompanying tables, were: Benson, Billings, Bottineau, Campbell, Carter, Deuel, Hyde, Logan, McHenry, McIntosh, McPherson, Morton, Ramsey, Roberts, Towner, Wells, and Yates.

The tables of the superintendent's report occupy several pages, and represented every item of importance connected with the schools and their govern-

ment, much of which was indispensable when the report was rendered, but not of importance later.

Counties Reporting	No. Twp.	No. Districts	No. Schools	No. Children Males	Female
Aurora .....	8		52	574	575
Barnes .....		80	74	910	943
Beadle .....	18		50	774	720
Bon Homme .....		54	51	1,137	977
Brookings .....	24		87	1,015	940
Brown .....	29		70	1,311	1,199
Brule .....	20		43	887	820
Burleigh .....	12		12	134	138
Butte .....	4		11	97	79
Cass .....		100	89	1,931	1,888
Charles Mix .....	10		12	485	368
Clark .....	20		18	382	298
Clay .....		54	47	1,157	1,035
Codington .....		39	35	670	670
Custer .....	5		7	177	171
Davison .....	13		40	640	664
Day .....	21		29	618	508
Deuel .....		50	40	621	530
Dickey .....	11		9	260	254
Douglas .....	12		14	418	367
Edmunds .....	8		6	98	94
Fall River .....	1		1	8	22
Faulk .....	7		4	227	156
Foster .....	11		1	120	151
Grand Forks .....		54	55	1,248	1,259
Grant .....	13		38	600	495
Griggs .....	9		14	217	183
Hamlin .....	6		24	412	366
Hand .....	12		8	652	572
Hanson .....		14	14	452	410
Hughes .....	15		10	492	442
Hutchinson .....		72	56	1,318	1,211
Jerauld .....	15		2	355	305
Kidder .....	4		1	82	80
Kingsbury .....	13		44	686	638
Lake .....	9		50	623	561
LaMoure .....	13		11	145	147
Lawrence .....		33	19	633	626
Lincoln .....		70	72	1,162	1,130
McCook .....	16		45	692	609
McLean .....	7		4	54	47
Miner .....	8		48	501	525
Minnehaha .....		102	93	1,673	1,444
Moody .....		58	52	720	615
Morton .....	7		5	207	208
Nelson .....	7		3	151	126
Pembina .....		78	49	1,863	1,667
Pennington .....	10		17	251	208
Potter .....	9		14	119	111
Ransom .....	14		22	296	286
Richland .....	18		64	969	842
Roberts .....	7		13	259	244
Sanborn .....	15		7	185	177
Sargent .....	14		6	310	215
Spink .....	19		74	1,100	1,180
Stark .....	4		4	138	119
Steele .....	6		3	97	50
Stutsman .....	11		24	604	572
Sully .....	17		7	258	210
Traill .....	13		54	920	736
Turner .....	12		67	1,080	991
Union .....		67	66	1,277	1,220
Walsh .....		68	61	1,250	1,135
Walworth .....			2	60	39
Yankton .....		57	58	1,507	1,471
Total .....	567	1,042	1,999	40,446	37,053

Prior to the year 1883, the common schools of the territory had been administered and governed under the school district system, which gave to each common school district a corporate organization which was authorized to establish and maintain one school, and was empowered to levy and collect taxes for its support. Superintendent Beadle was an advocate of a more advanced system of government for common schools which was known as the "township system," which displaced the "district system," enlarged the area of territory to be governed by one set of officers for school purposes, and also made it uniform by making each civil township a school township, with authority given to a school township board to establish and provide for the maintenance within said school township of as many common schools as might be required for the accommodation and convenience of the inhabitants thereof, and also to establish graded schools. Being an innovation, and not being generally understood, there was considerable opposition among the members of the Legislature to its adoption. The new township school law had been prepared by Superintendent Beadle, and constituted a complete code for the educational system of the territory. It has been the basis of Dakota's common school system from the time of its adoption, and the tables will show that a very large majority of the counties adopted it during the year following its enactment. Owing to prejudice against a change, which existed in practically all the populous counties then existing where the schools were in operation under the district system, the following named counties were excepted from the operation of the law until such time as the board of county commissioners of such counties should order a change to the township system, to wit: "Union, Lincoln, Clay, Turner, Yankton, Minnehaha, Moody, Brookings, Lake, Deuel, Codington, Cass, Grand Forks, Walsh, Pembina, Barnes, and Lawrence counties."

In supporting his argument favoring the change the superintendent quoted from an Iowa report made by a commission appointed by the General Assembly of that state in 1864, composed of Horace Mann, Amos Dean and Mr. Bissell, who had been given authority to revise the common school law of that state, which at that time provided for a sort of compromise system that gave township supervision with sub-districts established for each school and its government, thus practically nullifying the principal advantages of the township system. In submitting their report to the General Assembly with a new school bill, the commissioners say:

Their own settled convictions are, that the whole district system, as stated in the bill, should be promptly discontinued and that of making each civil township a school district substituted in its place. The following are some of the reasons that have led to this conviction:

1. It facilitates and greatly simplifies the organization of school corporations.
2. It gives fewer occasions for controversies relative to boundaries.
3. It equalizes among a large community the burdens imposed in the erection, repairs and outfits of schoolhouses, offers much greater facilities and inducements to establish township libraries and to sustain and increase them.
4. It annihilates forever the possibility of cutting up a population into small districts, to which the district system so frequently leads.
5. It leads to the erection of more commodious schoolhouses, with larger accommodations and means of instruction.
6. It offers facilities for classifying those of different ages and attainments, and of employing different grades of teachers in their instruction.

At this time there were in Dakota Territory over twelve thousand school districts, and appearances indicated, based on the steady influx of immigrants, that this number would be doubled within a very few years. The additional cost of maintaining the independent district system was a strong factor in promoting the passage of the township law.

In connection with his general report and at its conclusion, Superintendent Beadle gave a brief statement of the public and private educational institutions of the territory, of the highest grade, beginning with the University of Dakota, which was located at Vermillion as early as 1862, but no move had been made



to establish the institution for occupation and work until twenty years later when the citizens of Vermillion appreciating the necessity for the higher school, provided the funds and began the erection of the main building, and in fact completed it. The following Legislative Assembly accepted their work in 1883, and authorized the issue of \$50,000 in territorial bonds for further improvements. Of this institution, Mr. Beadle says, in his report for 1884:

The University of Dakota is situated upon a campus of twenty acres adjoining Vermillion, Clay County, and it is desired to add twenty acres to this, making a square tract of forty acres. The main building is 104 feet by 72 feet, in its largest dimensions, and has three stories with a full basement. The west wing has two stories with basement and contains six rooms of good size. The whole is built of Sioux quartzite, with cut stone trimmings. It has a good reference library of 500 volumes. The mineral cabinet contains over five hundred native geological specimens and fossils. The apparatus includes a fine selection of instruments for illustrating the instruction in natural philosophy, chemistry, geology and physiology. There are 116 students enrolled for the first term this year, and the university is doing valuable work while it is steadily advancing in popular favor and support, and filling the place designed for so important an institution.

It will be observed that the University of Dakota, located at Vermillion, had received no aid from the territorial treasurer prior to 1883. The Legislature of that year authorized an issue of bonds amounting to \$50,000 to construct the first substantial buildings, but at the same session it established the North Dakota University at Grand Forks with an appropriation of \$30,000, the Agricultural College at Brookings with \$40,000, the Deaf Mute School at Sioux Falls and made appropriations for the normal schools at Madison and Spearfish. Thus we see that 1883-84 were the years in which all our leading educational institutions of the territorial era were founded. And other state institutions, namely, the insane hospital at Jamestown, the Agricultural College at Fargo, the penitentiary at Bismarck, the capitol also at Bismarck, the reform school at Plankinton, and normal schools were also established at Larimore, Grand Forks County, at Minto, Walsh County, and at Springfield, Bon Homme County.

The University of North Dakota was located upon a tract of twenty acres near Grand Forks. It was chartered in 1883, when it received an appropriation of \$30,000 as a building fund. The section of the main building which was completed in 1884 is 150 feet by 54 feet, and there is also an observatory, both admirably adapted for their purposes, massive in form and thoroughly substantial and excellent in construction. The preparatory, normal and collegiate departments have been organized since September last, and over fifty students are in attendance, and the number is increasing. The charter provides for departments of law, medicine and industrial arts. William Blackburn, D. D., is president, and professor of mental, moral and political science.

The Territorial Agricultural College is located at Brookings, Brookings County, chartered in 1883. It has a large and handsome building, massive in style, and very thorough and substantial in construction. One of the finest in elevation, appearance and permanent value erected by the territory for any purpose. It stands upon an elevation adjoining the City of Brookings and has, besides the immediate grounds, a farm of eighty acres adjacent. Under the presidency of the Hon. George Lilley, the school was but recently opened and organized, and now has about fifty students in attendance, and promises very great usefulness and honor. With ample facilities it is confidently believed the school would soon contain over two hundred students, as it meets a need over a wide area from which access is convenient. It should be made not only an agricultural college, but a real industrial university, where all the instruction required by any person could be secured in all the applied or industrial sciences and arts. We need in Dakota such a college, where not only the mind and taste may be cultivated, but where especially the eye and the hand may be trained. This training need not be simply in muscular labor or to industry and faithful application, but should be toward skilled industry and the application of science and inventive genius, with trained hands, to the problems of field and shop. We have great practical problems to solve, in which the elements are soils and climate and all material things. Our people are mainly devoted to agriculture in all its forms. We have also rich mining regions. Manu-factories suited to our needs are to be promoted. Through such a school vast good may continually be accomplished. The productive capacity of the people may be greatly increased. Industrial training combined with mental discipline and intelligence, which such a school should supply if properly equipped, will prepare our youth to open all sources of wealth to our people. The trained genius of mind and eye and hand combined, will

enoble labor, enhance production and promote in the highest degree the best state economy. It is only the ignorant workmen who are too numerous. Such a school would reflect upon our common schools great benefit. The land should be improved as well as the race. The eye as well as the brain. There should never be a cast of support or education. All departments should hold equal honor, and that of industrial education should not be postponed.

The Normal School at Madison is now (1884) in its second year; Charles S. Richardson, A. B., principal, and F. W. Evenson, A. B., assistant, with lectures by prominent resident physicians upon anatomy, physiology and hygiene. The site is large, convenient to the town, and good in every respect. The building is a substantial frame upon basement walls of stone, and is two full stories high. It is 70 feet by 50 feet with a side projection for entrance, stairs and halls of 50 feet by 12½ feet. The plan is to veneer the structure with brick, and when this is done it will be a superior building in strength, convenience and comfort, and will accommodate 200 students in classes. There were a total of fifty-four different students in attendance last year, seventeen men and thirty-seven women. The institution is well located for health and in a community suited to the good life of the students. Its good influence is already felt upon the public schools. There is nothing they need so much as trained teachers, and the vast expansion of our schools creates a pressing demand for a great enlargement of this school, and opening normal departments in the universities.

A normal school was located at Spearfish, Lawrence County (in the Black Hills of Southern Dakota) by chapter 100 of the laws of 1881, and by an amendatory act of 1883. The citizens donated forty acres of land for a site September 1, 1883, one-half mile from the town. The grounds are well located and beautiful. The school could not be visited. A letter from Joseph Ramsdell, president of the board, states that the building was completed February 27, 1884. It is 45 feet by 30 feet in size, two stories high, of brick. The stories are each fifteen feet high. It has a large cistern, with spouting, drainage and ventilation complete. About the middle of March, 1884, Van Buren Baker, of Pennsylvania, was employed as principal, and the school opened. Three terms have since been held. During the first term there were many young pupils, attracted through novelty, and as a natural result did not remain. Fifteen pupils were enrolled during the third term. The remoteness of the several counties in and near the Black Hills from the other territorial institutions, will make it desirable and necessary to maintain a school for them and to give its course of study a wider scope and put it in charge of able and competent instructors.

The Territorial Deaf Mute School is located on the eastern side of the City of Sioux Falls, upon an attractive site, and has buildings worth \$20,000. It is in excellent condition and is doing its work well, and meeting the wants of the defective class for which it provides in a satisfactory manner.

The great work of the territory in education does not limit the enterprise of its citizens or the vigor of Christian work in this behalf. Colleges and academies are being founded on every hand, and so some have become already established in their high usefulness. If one needs more than the public school report to show the character of our people and the spirit they exhibit in favor of education, it can be found in these schools. There are many parochial, Indian and other schools that are not here noted as the facts could not be gathered. Nearly every military post has a school, and there is hardly a town of considerable size without some private kindergarten or parochial school. A considerable number of our youth are drawn also to colleges and academies outside the territory.

Yankton College, under the auspices of the association of Congregational churches, has an attractive building upon a fine site. Its property is worth \$25,000. Its total enrollment is 705, including some students in art and music only. Library, 1,200 volumes. The classes are the most advanced of any in the territory, and the institution, now in its third year, has established a high reputation for accuracy in scholarship and thoroughness in instruction. It has no endowment in possession, but one large and one small one in control. President, Rev. Joseph Ward, D. D.

The Academy of the Sacred Heart, Yankton, Catholic, has a large and fine building, which with other property is worth \$40,000. It is now an Indian school with seventy-five Indian boys as students. It is under the immediate supervision of Rt. Rev. Bishop Marty, and of Rev. Father Willard.

The Dakota Collegiate Institute, Sioux Falls, is under the control of the Association of Baptist Churches. The building is of Sioux quartzite, 76 by 43 feet, and four stories in height. Property worth \$20,000. It has 115 students, of whom sixty are private students in music, piano and voice. Hardy C. Stone, A. B., principal.

All Saints School, Sioux Falls, is under the immediate supervision of the Rt. Rev. W. H. Hare, missionary Bishop of South Dakota, Protestant Episcopal Church. The cornerstone was laid Thursday, September 11, 1884, and a large and handsome building of stone is well advanced. It has some endowment.

The Pierre University is situated at Pierre, Hughes County. One building is completed and in use, 76 by 50 feet, two stories, and one well advanced in erection, 76 by 50 feet, three stories, 60 feet high at the tower, and 45 in the main part. Value of the property, \$20,000. Endowment \$5,000, and temporary income \$2,500. There are thirty students enrolled. President, Rev. T. M. Lindley.

The Tower University (Baptist) at Tower City, Cass County, on the Northern Pacific Railroad, was founded and endowed in 1884 with \$100,000 by Charlemagne Tower. It is under the control of Baptist churches and has ample buildings in process of erection.

The Methodist University was, by the conference of that church, located at Mitchell, with a branch at Ordway, Brown County. These locations were conditioned upon the donation of certain property, which in the former case has not yet been completed, and the work awaits further action. At Ordway the institution will open January 5, 1885, in buildings provided by that town.

The Presbyterian churches have located a college at Jamestown, Stutsman County, upon the Northern Pacific Railroad, but its present condition and advancement is not reported.

A Scandinavian college has lately been removed from the State of Iowa to Caton, in Lincoln County, and is now in progress in suitable buildings which had been erected there for another purpose.

The Protestant Episcopal Church has a parochial at Yankton with sixty pupils, and others in the territory.

In addition to the Academy of the Sacred Heart, above mentioned, at Yankton, there are the following Catholic schools in Dakota, as furnished upon request, by Rt. Rev. Bishop Marty:

Bismarck, St. Mary's Academy, 120 pupils; Deadwood, St. Ambrose Academy, 80 pupils; Fargo, St. Joseph's Academy, 90 pupils; Grand Forks, St. Bernard's, 150 pupils; Jamestown, Parochial School, 50 pupils; Mariavell, Parochial School, 50 pupils; Mandan, Parochial School, 40 pupils; Rome, Parochial School, 36 pupils; Wahpeton, Parochial School, 90 pupils; Yankton, Parochial School, 110 pupils; Devil's Lake (Odessa), Dolorosa School, 80 Indians; Devil's Lake, St. Michel's, 25 Indians; Standing Rock, St. Benedict, 60 Indians; Cannon Ball, St. Francis Xavier, 40 Indians; Turtle Mountains, St. John Baptist, 106 Indians.

#### DAKOTA LEADS THE LIST FOR SCHOOLS

A most remarkable statement appeared in the annual report of the national commissioner of education for 1884, 1885, giving some statistical information of great value to the reputation of the Territory of Dakota. The commissioner found that Dakota led twenty-two of the states in the amount it expended for educational purposes. He found also that Dakota had a schoolhouse for every 151 people within its borders. In the proportion of schoolhouses to people, Dakota surpassed the states of Kansas, New Hampshire, Minnesota, Indiana, Wisconsin, Florida, Michigan, Missouri, Kentucky, Ohio, Illinois, South Carolina, Pennsylvania, Tennessee, Colorado, Connecticut, New York, North Carolina, New Jersey, Arkansas and Texas. In that portion of Dakota known as South Dakota there was one schoolhouse for every 132 people, and in that portion known as North Dakota one schoolhouse for every 202 people. By this showing it was concluded that the proposed State of South Dakota, surpassed probably every state and territory in America in its common school facilities. In the value of permanent school property Dakota outranked fifteen states, and in the number of teachers employed fourteen states. These were official figures of unquestioned authenticity, and were considered of great value at the time as a factor in promoting the statehood movement.

#### GEN. W. H. H. BEADLE

Regarding Gen. W. H. H. Beadle, and his connection with the public affairs of Dakota Territory, it is not an easy matter to measure the benefits which the people have derived from his labors. He is best remembered for his labors in behalf of educational matters, including the conservation of the school lands, but this will be found only a portion of the public work he performed. For a period of about twenty years he might properly be denominated the general utility man of the territory. He was not ostentatious in his public duties, and did not appear to realize that he was doing any more or carrying more than his share of the citizen's responsibilities. But the record shows that he was on the firing line in most every necessary and commendable work. He was assiduous in writing for publication in the journals of the Central States, where there was the greatest interest felt in Dakota, or giving public lectures regarding the vast and useful resources of the territory, and no citizen of the realm had a safer or more com-



plete knowledge of these, gleaned from personal investigation, than he. He was a Dakotan all the time. He was at the front when the people were in want or distress because of grasshopper raids, soliciting and obtaining substantial relief from the great industrial centers of the country. "A friend in need is a friend indeed." He was in large part the compiler and reviser of the first code of laws in 1877, a work universally commended. He was one of the builders of the state, one of the most useful, and carried his full share of the work of preparing for it, watchful of the constitutional law, that no weak or untried timber might be admitted in its construction. He was a co-worker with Rev. Joseph Ward, Bartlett Tripp, Judge G. C. Moody, Governor Mellette, Hugh J. Campbell and others. As a statesman he was safely conservative and suspicious of experimental legislation. He believed rather in testing remedies somewhat before incorporating them in constitutional law. Few lawyers were as well informed concerning the legislation of the states generally, and particularly that class of legislation desirable for Dakota.

An enumeration of the public duties he has discharged, and the valuable voluntary labor he has given in aiding the uprearing of Dakota's governmental fabric, would require an abstract from the proceedings of town meetings, all through the varied boards and councils to the Legislature. Churches, schools and colleges all have been substantially benefitted by his counsel and unselfish assistance.

The perusal of this history will lead the reader, as the making of it has the author, to the conclusion that Dakotans of the territorial era and their descendants must ever hold the memory of Beadle in high esteem for his valuable and lasting public services. Though quite familiar with the general through all his Dakota career, we were not prepared to find that his personal efforts had been so large a factor in building up the permanent and most valuable of the public institutions of both the Dakotas when as yet there was but one.

#### GILBERT A. PIERCE, GOVERNOR

Gilbert A. Pierce, of Chicago, was appointed governor of Dakota Territory by President Arthur on Friday, June 27, 1884. He was a newspaper man and connected with the Chicago Evening News, a strong Arthur paper before the nomination of Mr. Blaine. A brief biography of the appointee stated that he entered the Civil war as a lieutenant in the Ninth Indiana Infantry, and was soon afterward made quartermaster of that regiment. He was then promoted to a captaincy, and made a brigade quartermaster. For his services he was again promoted to the rank of lieutenant colonel and quartermaster general of Gordon Granger's corps. In 1863 he was made colonel and quartermaster general of the Department of the Gulf. In 1867 he was appointed financial clerk of the United States Senate, remaining in this position until 1872, when he took a position on the Inter Ocean, Chicago, and was managing editor of that paper from 1876 to 1880, when he became the leading editorial writer on the Chicago Evening News, in which position the appointment as governor of Dakota found him. He was an author and had written a number of novels, and of "Dickens' Dictionary," which proved quite profitable.

Governor Pierce was born in New York, and after growing to manhood and receiving a liberal education, studied law, and for a time practiced law at the Village of Valparaiso, Ind., about fifty miles from Chicago.

President Arthur and Editor Beadle became personal friends, hence the governorship was a friendly gift. Governor Pierce's family consisted of his wife, two daughters and two sons. One of his sons was in business in Chicago. The governor was about forty-eight years of age, about six feet tall and fairly well proportioned.

Governor Pierce came into the executive office of Dakota at an unfortunate and somewhat tumultuous period in the history of the Territory of Dakota. The



capital removal and the manner of its doing were the prominent public topics in every town and hamlet and home in the territory. It had been so unexpected and so novel in its execution that it naturally excited discussion. Governor Pierce found Yankton claiming that no lawful removal had been made, and he found Bismarck in possession of his predecessor, and a stately edifice being erected for a capital building. The secretary of the territory, Mr. Teller, had refused to recognize the removal and still maintained his office at the City of Yankton. The legal points involved in the removal were then in process of adjudication, having been appealed to the Supreme Court of the United States, and the secretary had virtually announced his intention of awaiting the verdict of that tribunal before removing.

A division of the territory was also demanded by three-fourths of the people at least, and it had been the principal political question during the entire official term of his predecessor. It was thought at the time that the capital removal would militate against division, but it did not appear to affect the sentiment in Congress in the least. The exigencies of the political parties of the nation controlled Dakota's division and statehood. Governor Pierce quite naturally, it is presumed, chose for himself the course that promised the least resistance on his part, which was to permit the courts and the Legislature to adjust and settle it.

Before going to Bismarck Governor Pierce came to Yankton, arriving there on the 25th of July, and during the evening was given a serenade by the brass band and an informal reception by the citizens. His coming had not been announced, and no preparations had been made for his reception, as should have been done, but this gave occasion for an impromptu address in which the governor congratulated the members of the band for the excellence of their music, and thanked the people for the honor of his cordial welcome. The reception had been a surprise to him, but his coming had also been a surprise to Yankton. He said he came to Yankton to take the oath of office and enter upon his duties as governor. He came also because he wanted to meet the young and enterprising secretary of the territory who had stood so firmly by the people. Yankton was the historic city of Dakota and had in fact created considerable hubbub throughout the United States. An old question was up here—the question of the location of the seat of government. All states and territories had to pass through it, the same as children must have the measles and whooping cough. The citizens of Yankton were well satisfied, he supposed, that they could not keep the capital, but were opposing the method of the alleged transfer more than the transfer itself. Yankton, like Chicago, was located for a commercial center, and this was of far greater importance than the possession of a political center. Touching upon the subject of the capital location contest, the governor said:

The duty of the executive is not to make the laws, but to execute them. The only means he has of knowing the will of the people is by looking at the measures they have enacted through their representatives. If such representatives have been false to their constituents, the remedy lies in changing them and electing men more faithful to their oaths and their duty. Now, your Legislature has passed an act regarding the seat of government. What it intended to do, what it intended to accomplish by that act, is very plain. What it actually did accomplish must be determined by future developments.

This act repealed the law making Yankton the capital. It appointed a commission to fix upon a permanent seat of government, and last, it provided that until such location was made the territorial archives should remain in Yankton, unless the governor should designate some other point by written order. Whether this last provision was wise or unwise it is not for me to say, but it is certainly as much a part of the law as any other section. The governor, in his discretion, has acted upon this clause, and it is very clear to me that the power having been exercised, the order has all the force and effect of a statute until repealed or revoked. That the incoming governor may again recall the grant into play and revoke or annul the order is probably true. The question is, should this be done? I am told that the capital building will be completed within a few weeks and therefore the commissioners are required to notify the governor, who in turn is required to issue a proclamation and the offices shall then be issued to such place. Now, then, the order of Governor Ordway must be observed by the incoming governor or it must be revoked. It would be something more than a disregard of precedent and courtesy to ignore this order formally authorized as it was by the Legislature.



OSCAR SHERMAN GIFFORD

Pioneer of Lincoln County

Delegate to Congress from 1885 to 1889



Now, shall I revoke it? Would such an act contribute to the dignity and tranquility of the territory? Would not a proclamation revoking the order appear frivolous in view of the fact that within a fortnight the governor may be called upon to issue a proclamation enforcing it? I am asking these questions, not because I have completely settled the matter in my own mind, for events may occur to demand such revocation, but to suggest some of the difficulties I have encountered in considering this question. In a few months the Legislature will assemble and the people will have an opportunity to make their wishes known in this matter. Whatever action may be taken now will be but temporary and ephemeral at best, and in view of this fact what I may do seems of slight importance and trifling significance.

I have not discussed the legal proceedings which are pending, because I must act solely on what I find before me upon the law as it stands until altered by the Legislature or the courts. The Legislature meant to transfer the capital, of that there is no question. Recognizing the fact that it is the duty of the executive to carry out the intent and meaning of the people's representatives as thoroughly and completely as possible, I still wish it understood that I have no plans to push or theories to advance against any competent authority which may direct me to modify or reverse my action. I am the subject of the law. *Let the law and people who make the law express clearly what they require me to do and I shall cheerfully obey.*

Judge Peter C. Shannon, ex-chief justice, who was present, was then called upon and spoke as follows:

I have listened to the admirable speech of Governor Pierce and have concluded that it should cause serious reflection on the part of all good citizens. Our people are law-abiding and desire to do nothing but what is right and just, and as citizens they have the right to expect that the new administration will be carried on in a spirit of honor and of justice and of truth. Whatever conclusion the new governor may reach, we should give him our respect and esteem. A healthful respect for the law should always be encouraged.

I have coincided from the beginning in Judge Edgerton's ruling in the capital case, and I still believe that his ruling was correct. An appeal has been taken to the Supreme Court of the territory and decided. I would not put my opinion against three justices of the Supreme Court, still I believe the chief justice was right. In this country it will not do to attribute wrong motives to that tribunal, and we all owe a manly concession to the views of the majority. My views are but the views of an individual, still I think Judge Edgerton was right. The case has gone to the Supreme Court of the United States and it will take three years to get a decision. In the meantime the proper course is an appeal to the people to redress the wrong with their ballots at the next November election. The people should take care to select legislative representatives who would not, like the legislators of the past accept bribes and perquisites for their votes. If we send true and trusty men the capital question will be settled in a way about which there can be no cavil. As an individual I believe Yankton to be the capital, but when three justices of the Supreme Court decide otherwise, the surest and best appeal is to the ballot.

Governor Pierce had taken the oath of office at 3.30 o'clock that afternoon, Friday, July 25th, and then became governor of Dakota. The oath would have been administered by Chief Justice Edgerton, but that official was absent from the city, and the duty fell upon ex-Governor Faulk, who at the time held the office of justice of the peace. The room where the ceremony took place was the office of John P. Cronnan in the Fargo Block. Secretary and Acting Governor Teller and a few friends were present. Governor Faulk had also administered the official oath to Secretary Teller one year earlier. This was the first instance where a governor of Dakota was sworn in by a dignitary of less title than chief justice.

Governor Pierce was accompanied by his daughter, and the following day they took their departure for Chicago, leaving Acting Governor Teller in charge of the executive department for a few weeks, while the governor was arranging some matters of a personal character at Chicago prior to taking up his permanent residence at the capital of Dakota.

### What Governor Pierce said in a Chicago interview:

**Question.**—Do you think Bismarck will remain the permanent capital?

**Answer.**—I have no more knowledge of that than you do. It will depend upon what the people elect as their representatives, and what those representatives will propose to do about it. It is a matter in which I shall have no personal interest and in which I shall not assume to dictate or interfere. I am ready to reside wherever the capital may be located, whether it be Bismarck, Deadwood or Yankton.



According to the law under which the capital commission was acting, the commissioners were required to give the governor notice whenever the new structure at Bismarck was completed and ready for occupancy. The governor on the 13th of November, 1884, issued his proclamation announcing the fact, prefacing it with the following communication from the capital commissioners:

Bismarck, D. T., November 13, 1884.

To His Excellency, Gilbert A. Pierce, Governor of the Territory:

Sir—You are hereby notified that in accordance with the act of the Legislature of the Territory of Dakota, approved March 8, 1883, and entitled "an act to provide for the location of the seat of government of the Territory of Dakota, and for the erection of public buildings thereof, the commissioners therein named did, on the 2d day of June, 1883, select the site for the capital, as contemplated in section 4 of said act, which site is located in the City of Bismarck, County of Burleigh; that land and money was donated as provided for in said act, and from the proceeds of that part of said land which has been sold, and the money so donated, the building contemplated therein has been erected and completed.

By order of the commissioners,

ALEX HUGHES, President.

Attest: B. F. SPAULDING, Secretary.

The governor also recited that portion of the law bearing upon this phase of the law, and said:

Now, therefore, I, Gilbert A. Pierce, in obedience to the requirements of said act, do declare said Capitol Building ready for occupancy, and do hereby enjoin upon all persons whom it may concern to take due notice and govern themselves accordingly.

Up to this time Secretary of the Territory J. H. Teller and Treasurer W. H. McVay had maintained their offices in Yankton, but as it had become certain that the next Legislature would convene at Bismarck, these officials made preparations and removed to that city.

#### THE KNIGHTS TEMPLAR

The grand commandery of Knights Templar was organized at Sioux Falls at the Cyrene Asylum on the 16th of May, 1884, by Theodore S. Parvin, of Des Moines, Ia., grand recorder of the grand commandery of the United States. The following named delegates were in attendance:

Samuel Roy, eminent commander of Dakota No. 1, Deadwood. W. D. Stites, eminent commander; W. T. Doolittle, generalissimo, and B. F. Campbell, captain general, Cyrene No. 2, Sioux Falls. L. B. French, eminent commander; Dr. D. F. Etter, generalissimo, and L. D. Parmer, captain general, DeMolay No. 3, Yankton. M. A. Brewer, eminent commander, No. 5, Fargo.

No representatives of Tancred No. 4, Bismarck, were present, but that organization had signified its full endorsement of the movement for a grand body.

The code of statutes of the grand commandery of Iowa, with such changes to fit it for this body, was adopted.

After the adoption of the code, election of officers was had, with the following result:

Grand commander, Samuel Roy, Deadwood; deputy grand commander, William D. Stites, Sioux Falls; grand generalissimo, Dr. D. Frank Etter, Yankton; grand captain general, M. A. Brewer, Fargo; grand prelate, Rev. J. M. McBride, Sioux Falls; grand senior warden, A. T. Bigelow, Bismarck; grand junior warden, Edward Porrett, Fargo; grand treasurer, L. D. Parmer, Yankton; grand recorder, Edwin E. Sage, Sioux Falls; grand standard bearer, L. B. French, Yankton; grand sword bearer, R. C. Lake, Deadwood; grand warden, L. R. Graves, Deadwood; grand captain of the guard, William T. Doolittle, Sioux Falls.

The officers-elect were publicly installed in the evening at Cyrene Asylum by Theodore S. Parvin, of Iowa City, Ia., as representative of the most eminent

grand master. The exercises were attended by a large company of ladies and blue lodge Masons, in addition to the members of the commandery.

Knighthood is an outgrowth of the days of chivalry and the crusades, when in the twelfth century the Christians of Europe arose to wrest Palestine and the Holy City from the infidel Saracens. It is built upon the cornerstone of Masonry, but is something more than that. A professor of any creed accepting the god-head may be a Mason, but only a believer in the Christian religion can be a Knight Templar. The latter order is therefore known only in Christian lands, while Masonry has penetrated to every civilized government on the globe. The original purposes of the order having expired with the circumstances that called it into being, it then developed into a higher and broader brotherhood, and has gone on linking the great and good of Christendom in bonds which must be eternal. It lays upon its adherents the duties of Christian gentlemen, and makes them particularly protectors of women, as were their renowned prototypes, and gives them the grand privilege of participating in that influence upon civilization and enlightenment which the order has always exerted.

The grand commandery of Dakota was the thirty-fourth in the United States—the first ever organized in any territory, and although it was the youngest, it was not the smallest; in fact, it had been constituted under circumstances more favorable than had been the case in a majority of sister jurisdictions in the states. Four years before the first subordinate commandery had been chartered at Deadwood, and the number present was five. At this, the first conclave of the grand commandery, the first charter was granted, which was given to Lacotah Commandery No. 6, on petition of twenty-eight sir knights at Huron. Grand Recorder Parvin was elected an honorary member of the grand commandery of Dakota. Sir Knight George H. Hand was appointed chairman of the committee of foreign correspondence. Grant's tactics were adopted for the government of the commandery. A committee on ritual was appointed. Yankton was selected as the place for the next meeting of the commandery. The commandery then closed in due form.

#### NEW JUDGES APPOINTED

On July 7, 1884, President Arthur appointed Frank Sperry, of New York, and Seward Smith, of Iowa, to be associate justices of the Supreme Court of Dakota. Mr. Sperry was to be assigned to the Eighth, or Bismarck district, and Judge Smith to the Fifth, or Huron district, both new districts organized under Delegate Raymond's bill, approved July 4, 1884.

Judge Seward Smith was confirmed as associate justice the day following his appointment. Judge Sperry was not reported. Judge Smith was a native of Massachusetts, and had been in the practice of law at Des Moines, Ia., for twenty-three years. He was fifty-three years old. Senator or Congressman Kasson, of Iowa, secured his appointment. Judge Smith had been for several years a law partner of General Solicitor Withrow of the Rock Island Road. He was recommended as a gentleman of ability and learned in the law, but "perhaps too amiable to shine brightly before a jury, but hard to excel in drawing pleadings."

Of Judge Sperry it was stated that he declined the Dakota appointment, feeling that his experience in law had not been sufficient to qualify him. The modest gentleman had been promised an Alaska appointment, which he failed to get.

Delegate Raymond made an effort to secure the appointment of two Dakotans to these places, and had recommended George H. Hand, of Yankton, and George P. Flannery, of Bismarck.

The declination of Mr. Sperry made a place for William H. Francis, who at the time was receiver or register of the Bismarck Land Office, and he was duly appointed and confirmed July 9th. Judge Francis had resided at Bismarck two years. He had been appointed to the land office from New Jersey, and had practiced law at Newark for a number of years. He was admitted to the bar in 1862.

Frank Sperry was appointed receiver of the Bismarck Land Office after declining the judgeship.

Before retiring from office Governor Ordway appointed George P. Flannery, of Bismarck, district attorney for the new Sixth Judicial District, and George A. Matthews, of Brookings, for the new Fifth District.

Judge Kidder, associate justice of the Fourth District, died in 1883, and C. S. Palmer, of Sioux Falls, and a close friend of Governor Ordway, was appointed to succeed him a few weeks prior to the famous decision in the capital removal case.

#### A MISSOURI RIVER COMMISSION

The river and harbor bill passed at the session of Congress for 1883-84 provided:

A commission to be called the Missouri River Commission, to consist of five members, shall be appointed by the President, three of whom to be selected from engineers of the army and two from civil life, one of whom at least shall be a civil engineer. The President shall designate the president of the commission. The commissioners appointed from the corps of engineers shall receive no other pay or compensation than is allowed them by law. The commissioners taken from civil life shall each receive \$2,500 per annum.

It shall be the duty of the commission to superintend and direct the improvement of the river and carry into execution such plans for navigation from its mouth to headwaters as may now be devised and in progress and complete such surveys and examinations, investigations, topographical, hydrographical and hydrometrical, and mature such plans and all such estimates deemed necessary to maintain a channel in said river sufficient for navigation.

The secretary of war is authorized and directed to place under control and superintendence of the commission such vessels, machinery and instruments and such plants now provided, devised or in use, from appropriations heretofore made, or other sources, and when requested by the commission to detail from the engineers the officers and men necessary and place in charge of the commission vessels, machinery, instruments, etc., as may be necessary. And the commission may, with the approval of the secretary of war, employ additional force and assistance, and purchase or otherwise provide vessels, boats, etc., as may be deemed necessary, to be paid by appropriations made for said river. Said commission shall, under the direction and with the approval of the secretary of war, superintend, control and expend, for the purposes of this act, all appropriations or unexpended balances heretofore made for the improvement of said river, and which may be hereafter made, or so much thereof as necessary, shall prepare and submit through the chief of the engineer corps, to the secretary of war, to be by him submitted to Congress at the beginning of the regular session of each year in December of each year, a full and detailed report of all their proceedings and actions, and of all such plans and systems of work as may be now devised and in progress and carried out by them, and all of such additional plans and systems of work as may be devised and matured by them, with full and detailed estimates of the cost thereof, and statements of all expenditures made by them; and the secretary of war may detail from the corps of engineers or other corps of the army, an officer to act as secretary of the commission, and all moneys hereby appropriated for the improvement of said Missouri River shall be expended under the direction of the secretary of war in accordance with the plans of said commission, when such plans, specifications and recommendations have been approved by Congress.

The act further provided that the secretary of war should at his discretion cause an examination or survey, or both, and estimates of cost of improvement to be made. Five hundred thousand dollars was the amount appropriated. It was stated that this law had been the joint product of Delegate Raymond, of Dakota, and Delegate Maginnis, of Montana.

#### DEMOCRATIC CONVENTION TO CHOSE PRESIDENTIAL DELEGATES

The Democratic Territorial Committee called a convention to be held at Pierre May 14, 1884, for the purpose of electing two delegates and two alternates to the National Democratic Convention to be held at Chicago on the 8th of July to nominate candidates for President and vice president.

The Democratic Territorial Committee was made up as follows:

D. M. Inman, of Clay County, chairman; First Judicial District, D. P. Wilcox. R. P. Cormack, Judge Rhinehart; Second Judicial District, C. J. B. Harris, M. H.



Day, James S. Foster; Third Judicial District, M. E. McCormick, John P. Dunn, D. M. Kelliher; Fourth Judicial District, Abe Boynton, John R. Wood, I. S. Goddard.

The convention assembled pursuant to call. W. T. Love, of Beadle County, was made temporary chairman, and George Egbert, of Fargo, and C. J. Hanes, of Pierre, secretaries. The Committee on Credentials was then appointed, consisting of:

**Chairman, M. H. Day, of Bon Homme.** First District, Fred E. Stearns, M. W. Rogers, of Pennington County; Second District, C. H. Price, of Hyde, and Maris Taylor, of Yankton; Third District, D. M. Kelliher, of Stutsman, and M. McCormick, of Grand Forks; Fourth District, George Henry, of Brookings, and E. C. Kennedy, of Turner.

**Committee on Permanent Organization.** C. J. B. Harris, Yankton, chairman. First District, F. E. Stearns, of Pennington, and J. W. Rogers, of Custer; Second District, James S. Foster, of Davison, and C. J. Harris, of Hughes; Third District, C. B. Pratt, of Grand Forks, and C. E. Smith, of Pembina; Fourth District, E. G. Smith, of Minnehaha, and C. F. Zimmerman, of Kingsbury.

**Committee on Resolutions.** W. E. Duncan, chairman. First District, J. F. Watson and J. W. Rogers; Second District, A. Adams, of Edmunds, and Benjamin P. Hoover, of Sully; Third District, W. J. Goodrich, of Stutsman, and C. J. Hallenback, of Burleigh; Fourth District, E. G. Wright, of Minnehaha, and F. G. Hale, of Lincoln.

**The Committee on Permanent Organization reported:**

For chairman, James S. Foster, of Davison; first vice chairman, H. C. O'Neill, of Cass; second vice chairman, E. G. Smith, of Minnehaha; secretary, Capt. Geo. Egbert, of Cass; assistant secretaries, Jacob Gilbert, of Minnehaha, and F. R. Fulton, of Grand Forks. The report was adopted.

The resolutions committee was not ready to report, and the business of the convention was taken up by the nomination of delegates to the Democratic National Convention. There were six nominations made, the successful ones being Capt. Frank M. Ziebach, of Bon Homme, and M. E. McCormick, of Grand Forks; **alternate, Fred Stearns, of Pennington.**

The platform declared in favor of a division of the territory on the forty-sixth parallel, but did not endorse any candidate for the presidency.

The final adjournment of the convention did not take place until the following day, the delegates remaining to talk over the delegate question and to consider territorial matters. There was an unusual buoyancy observed among the delegates which appeared to have grown out of an expectation that the next President would be a democrat, and they would then all be in clover. It was a coming event that had cast its shadow before, and gave to the proceedings an unusual interest and animation.

#### DEMOCRATIC DELEGATE NOMINATING CONVENTION

The Democratic Territorial Delegate Convention of 1884 was held in the City of Sioux Falls October 2d. John R. Wilson, of Lawrence County, chairman of the territorial committee, called the convention to order. Charles H. Price, of Hyde County, was elected temporary chairman, and E. B. Palmer, of Hughes County, secretary.

As there were no contesting delegations, the chair proceeded and appointed the following committees, to-wit:

**On Credentials.** I. B. Conklin, of Lincoln County; J. I. Smith, Hand; A. E. Cord, Foster; W. S. Wynn, Minnehaha; J. C. Slater, Kingsbury; Claude LeBland, Brule.

**On Permanent Organization.** L. A. Burke, Edmunds; Fred Marsh, Ransom; M. S. Robinson, Turner; Frank Foster, Hansen; Miles Russell, Clay; S. G. Humphreys, Charles Mix; N. H. Young, Sully County.



On Resolutions—F. M. Ziebach, Bon Homme; C. J. B. Harris, Yankton; M. W. Sheafe, Jr., Union; P. B. McCarthy, Pennington; V. E. Hall, Cass; F. T. Ohlwine, Beadle; F. E. Lally, Hamlin.

The Committee on Credentials reported the following named persons entitled to seats in the convention as delegates from the various counties:

Bon Homme County, F. M. Ziebach, George H. Bangs, M. H. Day, H. A. Reeves, James Baskin; Butte County, P. V. McCarthy (proxy for D. J. Harrington); Beadle County, Frank Ohlwine; Cass County, J. E. Hall, two votes; Clay County, Miles Russell, W. W. Smith, D. M. Inman; Charles Mix County, S. G. Humphrey; Brule County, C. G. LeBland, Louis LeFebvre; Dickey County, William H. Becker; Foster County, A. G. Covel; Hyde County, Charles A. Price; Hamlin County, F. E. Lally; Hand County, J. J. Smith; Hughes County, E. B. Palmer, James Ward, J. P. Watson; Hanson County, F. B. Foster, Lewis Meesch, H. W. Bade; Kingsbury County, J. C. Slater, E. W. Ellis; Lake County, William Tobin, W. McGrath; Lawrence County, P. McCarthy (proxy for John R. Wilson), V. B. Baker, F. W. McLeFresh, W. C. Kingsley, E. R. Collins, John D. Hale, W. R. Steele, S. P. Romans, W. McClintock, C. A. Gushurst, C. F. Thompson, D. P. Wilcox, W. A. Rhinehart, C. Baupre; Lincoln County, O. D. Hinckley, S. V. Conklin, F. J. Rodway; Douglas County, A. D. Maher; Edmunds County, L. A. Burke; Minnehaha County, E. G. Wright, W. S. Wynn, C. K. Howard, A. Houser, G. G. Phelps, G. E. Phelps, William VanEps, E. G. Smith; Ransom County, F. E. Marsh; Sully County, N. H. Young; Sanborn County, Thomas R. Dunn, Ed. Welsh; Pennington County, P. B. McCarthy, J. P. Plunkett, William Bachelor, J. A. Gervy, Charles L. Allen; Turner County, M. S. Robinson, R. Reese, J. O. Brodie; Yankton County, C. J. B. Harris, L. D. Palmer, Augustus High, Maris Taylor, Isaac Waterbury, John Noonan; Union County, Mark W. Sheafe, Jr., John R. Wood, Thomas Brody.

The Committee on Permanent Organization recommended D. M. Inman, of Clay County, for permanent chairman, and W. H. Becker, of Dickey, for secretary. The report was adopted, as was also the report of the Committee on Credentials.

The convention then proceeded to the nomination of a candidate for delegate to Congress. The candidates were John R. Wilson, of Lawrence County; Mark W. Sheafe, Jr., of Union, and Maris Taylor, of Yankton. The two last named withdrew, and Mr. Wilson was unanimously nominated.

A territorial committee was then appointed as follows:

First Judicial District—B. G. Caulfield, of Lawrence; Ben Bear, of Lawrence; F. E. Stearns, Pennington; P. B. McCarthy, Pennington; D. W. Flick, Custer. Second District—S. G. Humphreys, Charles Mix County; John L. Farre, Brule; C. J. B. Harris, Yankton; James S. Foster, Davison; Matt. Kean, Sanborn. Third District—J. A. Joy, Grand Forks; T. A. Webb, Pembina; F. E. Marsh, Ransom; George Egbert, Cass; John Blank, Richland. Fourth District—M. W. Sheafe, Jr., Union; R. Reese, Turner; William VanEps, Minnehaha; Abe Boynton, Lincoln; John Brennan, Lake County. Fifth District—J. A. Ward, Hughes County; F. Lally, Hamlin; L. A. Burke, Edmunds; J. J. Smith, Hand; J. C. Slater, Hughes. Sixth District—D. M. Kelliher, Stutsman; J. C. Hollenbach, Burleigh; N. H. Becker, Dickey; A. G. Covel, Foster; W. F. Vallandigham, Barnes.

The Resolutions Committee submitted a platform which met the approbation of the convention and was adopted without a dissenting vote. The platform congratulated the country on the nomination of Grover Cleveland for President, and declared for the admission of Dakota into the Union as one state.

#### REPUBLICAN CONVENTION TO ELECT PRESIDENTIAL DELEGATES

The Republican Central Committee of Dakota Territory, of which E. P. Wells, of Jamestown, was chairman, and E. W. Caldwell, secretary, called a

territorial convention to meet at Huron on the 22d of April for the purpose of electing two delegates to the National Republican Convention, to be held at Chicago June 2d, to nominate candidates for President and vice-president. The number of delegates apportioned to the convention was 220. The counties represented were nearly the same as those named in the call for the territorial delegate convention, which appears in this chapter.

The convention assembled at Huron, April 23d. John H. King, of Chamberlain, was elected temporary chairman, with Col. A. W. Edwards, of Fargo, secretary. A committee on credentials was appointed, as follows: J. R. Gamble, Yankton; Howell, of Campbell; Dewey, of Hughes; Steele, of Kidder; Bannick, of Cass; Yorker, of Walsh; Nickels, of Stutsman; Harding, of Lawrence; Palmer, of McCook; Drake, of Brown; L. C. Tyler, of Hand; Gilbert, of Dickey; Thorson, of Lincoln.

These were the days when James G. Blaine was the acknowledged leader of one of the strongest wings of the republican party, and his friends had set out to make him the nominee of the national party for President, the strife therefore in this convention of Dakotans was whether to elect Blaine delegates or Arthur delegates, President Arthur being up for re-election. There were 205 delegates present, and the forces were quite evenly divided. Colonel Plummer, of Fargo, was elected president of the convention when the permanent organization was effected.

After quite a strenuous contest Hon. N. E. Nelson, of Pembina County, and Hon. John L. Jolley, of Clay County, were elected delegates, with Byron E. Pay, of Brookings County, and R. E. Wallace, a banker of Jamestown, alternates. The delegates were instructed to vote for Blaine.

The convention endorsed resolutions favoring a division of the territory on the forty-sixth parallel, and the admission of the southern half into the Union, and then adjourned.

#### THE TERRITORIAL CAMPAIGN

The preliminary political campaign on the part of the republicans in 1884 was in some of its prominent features a continuation of the campaign of 1882. John B. Raymond, of Fargo, had been nominated at Grand Forks in 1882 as the result of a bargain between a large portion of the Northern Dakota delegates and the faction of the party south known as the Pettigrew faction. He was elected by a large majority, carried every county save two, and had made an efficient and successful agent of the territory at Washington both before the departments and in Congress. He had received many voluntary encomiums from prominent congressmen for his untiring zeal and efficiency in promoting territorial matters and for his general deportment. His constituents appeared to be well satisfied with his official service, and his renomination and election in 1884 was looked upon during the first half of the year as a foregone conclusion. Mr. Pettigrew would not be a candidate, and Mr. Hand had become engaged in a profitable private business and had no ambition politically at the time. Raymond had been a hard and faithful worker in the promotion of everything that he was elected to promote, and had steadfastly refused to betray his trust by giving any countenance or favor to the one state schemes of Ordway. The people of the territory seemed satisfied with his course, and when the time came for choosing his successor there was ground for the prevailing opinion that he would be chosen to succeed himself.

Conditions within the territory had changed radically since his first successful campaign. The republicans of Northern Dakota were not now united in his favor, but were largely against him—it is meant by this that the republican leaders who would manage the caucuses and conventions were largely against him, though the masses were probably for him. Two years before he had been chosen on a division and admission platform. Since his election the Legislature had passed the capital removal bill by methods which were quite generally condemned, the

capital commission had located the capital at Bismarck, and thereafter there was heard no demand for division from that immediate locality, but on the contrary a declaration was issued from that quarter that "division was dead." Governor Ordway and Alexander McKenzie were now the ruling spirits of the northern capital, and the admission of Dakota as one state was their shibboleth. They demanded of Raymond that he should introduce a bill in Congress legalizing the act of the Territorial Legislature in removing the capital (the matter then being in litigation), which Raymond declined to do, and also refused to countenance any one-state measures.

This position of the delegate, which was justifiably taken, gave serious offense to Ordway and McKenzie and those interested with them, but his position was stoutly defended by the greater portion of his northern as well as southern constituents. The Ordway faction had adherents here and there throughout the territory, as had been in evidence quite frequently, and added to this Ordway hostility was the opposition of Mr. Pettigrew and his many adherents, who had not "buried the hatchet" completely at Grand Forks in 1882, when Pettigrew was compelled to yield to Raymond to prevent the nomination of a rival candidate from Southern Dakota. The handle of the hatchet had been left exposed and the implement had been drawn from its open sepulcher and entered for service in the campaign of 1884. It was not charged that the course of Mr. Pettigrew and his friends was due to a revengeful feeling, but it is not improbable that their opposition to Mr. Raymond was rendered easier because of the presumed advantage taken by Raymond's friends in 1882.

It was a presidential election year, and James G. Blaine was the republican candidate for President. Dakota had declared for Blaine in its convention, and there was no dissension on that score, though Raymond had stated that he favored the nomination of Mr. Arthur, who had become President at the death of President Garfield.

There was yet another and probably the strongest impelling force among the republicans of the southern territory, which had for its purpose to regain the lead in the political affairs of the territory which had been lost to them at Grand Forks, and again by the proceedings of the last Legislature. The approach of statehood, which could no longer be looked upon as a remote event, suggested to the leaders south that they must get together and "save the state," and the result was a strong coalition in favor of a South Dakota candidate for delegate and the control of the central committee. Pettigrew was not a candidate and refused to become a candidate, and during the preliminary campaign, though two or three prominent names were suggested, including Judge Gifford and Samuel McMasters, of the Black Hills, there was no candidate who received anything like the united support of the elements opposed to Raymond. But the Ordway and McKenzie people, together with the forces who were acting in concert with Pettigrew, were actively at work to prevent the election of Raymond delegates, and it required all the forces they could muster, for Raymond had grown in favor through the territory, and was much stronger than when he was first a candidate.

Ordway had withdrawn largely from his efforts to usurp the delegate's duties at Washington, which he manifested so persistently to the annoyance of Delegate Pettigrew. He no longer besieged Congress and the departments, and related the story of the recklessness and willful extravagance of the Dakota legislators and the counties of the territory. He had "taken the wind all out of his own sails" by his pernicious course during the Legislature of 1883. In 1881 he had vetoed a dozen or more county bills that granted the privilege of issuing bonds for building courthouses and needed jails, and was able at Washington to make quite a showing of the way he "set his face against all forms of corruption" by parading his veto messages before the President and the departments and the members of Congress who had listened to his stories of the profligate character of the people he had been appointed to rule over; but in 1883-84 he was estopped by the colossal recklessness of the Legislature of 1883, when he approved bills



for bonding the territory and counties, and appropriating public moneys amounting to hundreds of thousands, for much of which there was no demand at the time. Therefore Delegate Raymond pursued the even tenor of his way unmolested, at least openly, and had given general satisfaction. And while Raymond resided at Fargo and had business interests as a wheat farmer in the north, he was not regarded as a sectional man. He was as proud of the south as the north, and for a number of years had resided in the extreme southern section.

This was the situation when the Republican Territorial Convention assembled at Pierre in September, 1884. It was "Raymond against the field," and the field against Raymond. The total vote of the convention was 386. Of these Raymond mustered 173 on the early ballots, leaving him twenty-three short of a majority. Raymond felt quite confident of winning at the opening of the convention.

The Territorial Republican Convention was called to meet at Pierre, Wednesday, September 17, 1884, at 2 o'clock P. M. The basis of representation was changed from former conventions, and in place of apportioning the delegates on the number of votes cast in the counties, owing to the vast increase of population since that vote in 1882, it was deemed advisable to make the apportionment as follows:

In said convention the representation shall be two delegates for each organized county and additional delegates based upon said county's population, as shown by its vote for congressional delegate in 1882, at the rate of one delegate to said territorial convention for each 200 votes or major fraction thereof cast at said election.

Following gives the apportionment: Counties—Aurora, 5; Barnes, 8; Beadle, 5; Bon Homme, 8; Brookings, 6; Brown, 7; Brule, 5; Burleigh, 7; Billings, 2; Benson, 2; Butte, 2; Campbell, 2; Cass, 15; Charles Mix, 3; Cavalier, 2; Clark, 4; Clay, 7; Codington, 6; Custer, 4; Hutchinson, 5; Day, 3; Dickey, 3; Douglas, 3; Deuel, 4; Jerauld, 2; Emmons, 2; Faulk, 2; Feather, 2; Fall River, 2; Grand Forks, 11; Grant, 8; Griggs, 6; Hamlin, 4; Hand, 5; Hanson, 4; Minnehaha, 14; Hughes, 4; Hyde, 2; Kidder, 3; Kingsbury, 6; Pennington, 6; Lake, 6; Union, 8; Logan, 2; Lincoln, 8; McCook, 6; McLean, 2; Sault Ste. Marie, 2; McPherson, 2; Miner, 8; Mercer, 2; Steele, 2; Moody, 7; Morton, 5; Nelson, 3; Pembina, 8; Edmunds, 2; LaMoure, 3; Lawrence, 21; Ransom, 5; Richland, 6; Roberts, 2; Rolette, 2; Sargent, 2; Spink, 7; Stark, 2; Davison, 6; Stutsman, 7; Sully, 2; Towner, 2; Traill, 10; Turner, 8; Potter, 2; Ramsey, 2; Walsh, 13; Walworth, 2; Yankton, 8.

Signed by Committeemen—E. P. Wells, W. F. Steele, Iver Larson, B. R. Benson, John Fadden, E. W. Caldwell, George W. Haines, W. H. Skinner, W. M. Cuppett, John H. Drake, John H. King, A. J. Plowman, H. M. Gregg, A. C. Boland, Republican Territorial Central Committee, appointed after the Grand Forks convention in 1882. Wells was chairman; E. W. Caldwell and A. W. Edwards, secretaries.

The delegates elected under the foregoing call assembled at Pierre on Wednesday, September 17th, and were called to order by E. W. Caldwell, of Minnehaha County, one of the secretaries of the central committee.

D. D. Holdridge, of Miner County (anti-Raymond), was elected temporary chairman, and A. H. Lewis, of Grant; V. V. Barnes, of Kingsbury, and R. B. Hoskins, of Pembina, secretaries.

After a lively discussion led by the leaders, Nickens, for Raymond, and Moody, anti-Raymond, the convention voted to adjourn until next day in order that the chairman might make up the Committee on Credentials and that committee have time to perform its duty, which would include the hearing of a few contests.

The Credentials Committee was composed as follows: John Bett, of Clark County, chairman; R. F. Aikens, Lincoln; J. B. Jones, Clay; N. Root, Barnes; D. R. Jackson, Lawrence; A. K. Fahnstock, Codington; A. H. Clark, Custer; F. B. Phillips, Jerauld; N. B. Scribner, Brown; R. D. Jennings, Fall River; J. G.



Hamilton, Grand Forks; W. F. Steele, Kidder; D. A. Mizener, Davison; John A. Stoyell, Burleigh; W. Karl Gerner, Beadle.

The Committee on Permanent Organization was also announced, as follows: A. F. Stuart, Fall River; E. W. Foster, Spink; N. W. Tyner, Cass; F. B. Allen, Burleigh; John R. Gamble, Yankton.

The Committee on Credentials submitted its report on the convening of the convention Thursday, as follows, the following named being entitled to seats in the convention: Aurora County, B. H. Sullivan, W. M. Smith, I. N. Auld, John Rogers, Rache Hooper; Barnes County, N. Boot; Burleigh County, N. G. Ordway, Judge Flannery, J. C. Bly, W. Griffin, John A. Stoyell, J. Neal, S. A. Bentley; Beadle County, J. W. Shannon, Karl Gerner, Fred Hord, A. Davis, John Cain; Bon Homme County, Fred Morgan, Peter Wagner, Sylvester Wilcox, T. M. Hitt, Charles Stilwill, A. W. Lavender, Robert Dollard, D. Wilcox; Brown County, J. C. Houghton, Thomas Burnham, C. T. McCoy, M. V. B. Scribner, J. C. Luse, C. J. C. MacLeod; Brookings County, C. E. Hamlin, B. E. Pay, John Lynch, Charles Preston, K. C. Knudson, Henry Lawshe, J. O'B. Scobey, L. D. Miner, E. L. Sparling; Butte County, C. F. Johnson, H. J. Grant; Brule County, John H. King, E. C. Cook, F. J. Goodykoontz; Benson County, T. J. Larison, E. S. Rosph; Billings County, represented by Morton County; Cavalier County, L. C. Naracong; Charles Mix County, 3; Cass County, John E. Haggart (chairman), D. H. Twomey, N. N. Tyner, Charles Scott, C. Byerly, J. W. Morrow, W. J. Hawk, John Rustad, A. C. Marshman, E. S. Tyler, E. V. McKnight, George Brandenburg, R. M. Pollock; Campbell County, Frank Alexander; Clark, Sam. E. Elrod, Carl G. Sherwood, J. E. Bennett; Clay County, J. A. Barnsback, Daniel Berglund, Hans Myron, F. E. Jones, J. V. White, Harvey Gunderson; T. J. Douthitt; Codrington County, A. C. Mellette, T. V. Eddy, W. S. Glass, Frank Crane, E. D. Wheelock, Cortland Wood; Custer County, Judge Cook, A. H. Clark, George Boland, A. K. Smith; Dickey County, T. M. Pugh, William H. Seward, J. B. Brown, G. P. Melendy; Douglas County, Irving H. Welch, F. LeCocq, Jr., John Elbinger; Davison County, C. M. Cooley, George A. Johnson, E. M. Ewart, D. A. Mizener, E. Hitchcock, David Cole; Day County, David Williams; Deuel County, H. H. Herrick; Emmons County, William V. Wade, E. T. Herrick; Fall River County, A. S. Stewart, R. D. Jennings; Faulk County, J. A. Pickler, John M. Chain; Foster County, H. C. Jones; Grant County, H. Niel, N. Thorndike, A. H. Lewis, S. S. Lockhart, W. F. Crawford, J. B. Whitcomb, C. B. Williams, N. J. Lowthian; Grand Forks County, J. G. Hamilton, George A. Walsh; Griggs County, E. S. Rolfe, H. M. Clark, O. G. Menham; Hughes County, L. E. Gaffey, H. F. Sawtell, Gilbert M. Stevenson, Gen. William Stough; Hanson County, L. C. Taylor, A. J. Parshall, J. B. Hayne; Hamlin County, 4; Hand County, B. R. Howell, W. G. White, Turney M. Wilkins, R. H. Smith, B. F. Payne; Hutchinson County, Samuel George, Jacob Schnaidt, M. K. Bowen, Chris Buechler, J. C. Boyles; Hyde County, Eli Johnson; Jerauld County, F. D. Phillips; Kidder County, W. F. Steele; Kingsbury County, Thomas Reed (Arlington), N. W. Ellefson (Lake Preston), J. W. Hopp (DeSmet), V. V. Barnes (DeSmet), Joseph Holt (Manchester); Lake County, J. F. Halliday (Iroquois); Logan County, George Lightfoot, Edmund R. Weed; Lincoln County, J. W. Carter, William M. Cuppett, A. P. Dixon, W. B. Wait, C. B. Kennedy, F. R. Aikens, A. B. Wheelock, A. Sherman; LaMoure County, Waldo Potter; Lawrence County, Samuel Roy, A. J. White, W. E. Smead, T. M. Boyd, John Johnston, K. G. Phillips, J. A. Harding, Seth Bullock, D. Corson, J. Glickauf, J. C. McMillan, D. K. Dickson, H. P. Lorey, F. P. Fowler, A. J. Knight, G. C. Moody, R. E. Grimshaw, J. Worthelmer, A. E. Frank, J. W. Galand, John Elliott; McCook County, J. C. Hartley, F. Goddard, E. H. Wilson; Mercer County, Thomas McGrath, Edward Henniger; Minnehaha County, R. F. Pettigrew, E. W. Caldwell, Mark Bridge, H. L. Green, B. F. Campbell, W. J. Jones, A. H. Bemis, Samuel Huckins, W. R. Burkholder, A. L. Whaley, G. A. Uline, Albion Thorne, William Alguire, A. F. Shaw; McPherson County, C. B. Ken-



NORTH DAKOTA UNIVERSITY, GRAND FORKS, 1881



nedy, C. H. Horriod; Moody County, S. O. Norvold, H. M. Williamson, George Lanning, A. Brown, Ole J. Asker, Peter Tamsencorn, J. F. Goodsell; Miner County, D. D. Holdridge; Morton County, T. K. Long; McLean County, John Satterlund, James Heath; Nelson County, 3; Pennington County, John R. Brennan, J. W. Fowler, A. J. Simmons, R. D. Kennedy, A. C. Boland, B. B. Benedict; Pembina County, L. O. Booker, N. E. Nelson, R. D. Hutchins, H. Thorloxon, H. A. Mayo, James Copeland, George L. Simon, F. Appleton; Potter County, Frank M. Byrne; Ramsey County, Andrew Stade, W. H. Standish; Ransom County, H. S. Harcourt; Richland County, W. S. Lander, J. C. Pyatt, R. H. Handinson, W. E. Stauff, Frank Walcott, Doctor Reno; Roberts County, J. M. A. Monroe; Rolette County, 2; Sanborn County, C. H. VanAssell, T. W. Brisbane, Judge N. Breed, Judge Burdick; Sargent County, H. A. Mallison, P. M. Chandler; Stark County, N. C. Lawrence, J. G. Campbell; Stutsman County, Johnson Nickeus, W. H. Burke; Spink County, H. J. Hall, C. F. Howard, M. S. Kelley, J. E. Koehle, E. W. Foster, W. W. Tarbell, C. H. Seeley; Sully County, 2; Traill County, A. A. Moen, J. S. Abrahamson, John Flitie, Frank Denie, John Chatland, Iver Larson, G. B. Thompson, John Amb, W. P. Birch, N. Kingsbury; Stark County, N. C. Lawrence, J. G. Campbell; Steele County, John VanDusen, Benjamin Gibbons; Towner County, 2; Turner County, G. Allen, J. P. Coffman, T. B. Buchanan, J. G. Williams, R. H. Wales, C. Frederickson, C. H. Flower, S. J. Manning—contesting, David Conway, J. A. Hand, E. Brauch, C. H. Turrilliges, H. Pool, Joel Fry, John Trumbull, E. H. Farr, C. H. Flowers, A. B. Smith; Union County, C. F. Mallahan, N. A. Kirk, G. Larson, John Freuick, J. R. Carleton, A. O. Ringsrud, J. A. Wallace, William Duncan; Walsh County, D. W. Gockey, James Bell, A. D. Robinson, M. H. Marriman, John Allmen, Roger Allen, James A. Douglas; Walworth County, 2; Yankton County, Dr. Joel A. Potter, John R. Gamble, A. L. VanOsdel, E. G. Smith, B. S. Williams, L. B. French, Herman Ellermann, John L. Pennington.

The Committee on Resolutions was thus composed: E. W. Caldwell, Minnehaha, chairman; A. O. Ringsrud, Union County; J. A. White, Clay; J. C. Hartley, McCook; J. P. Coffman, Turner; A. L. VanOsdel, Yankton; Robert Dollard, Bon Homme; James Baynes, Hanson; V. V. Barnes, Kingsbury; E. L. Sparling, Brookings; Eli Johnson, Hyde; William Stough, Hughes; J. M. A. Monroe, Roberts; C. M. Thomas, Brown; A. E. Frank, Lawrence; A. C. Boland, Pennington; W. H. Burke, Stutsman; T. K. Long, Morton; N. N. Tyner, Cass; H. S. Harcourt, Ransom; George A. Walsh, Grand Forks; J. S. Abrahamson, Traill; D. W. Gockey, Walsh; L. D. Haskins, Pembina.

The total number of votes in the convention was 386, requiring 194 to nominate. Raymond was the strongest candidate at the opening of the convention and for two days following. At the caucus held by his friends there were 186 votes for him. The actual candidates were quite numerous. The following named were formally placed before the convention by nomination:

Karl Gerner named Junius W. Shannon, of Beadle County; John W. Stoyell, of Burleigh County, named Dr. W. A. Bentley, of Burleigh County; J. P. Fowler, of Pennington County, named John B. Raymond, of Cass; T. V. Eddy, of Codington County, named A. C. Mellette, of Codington; Charles W. Stough, of Hughes County, named Eli Johnson, of Hyde County; Judge J. M. Carter, of Lincoln, named Oscar S. Gifford, of Lincoln; Gideon C. Moody, of Lawrence, named Samuel McMasters, of Lawrence. Had an early vote on the nomination been had Raymond would probably have been nominated. Understanding this, the Gifford and McMasters forces sought reasons for delay, and no ballot for the nomination was had until Friday morning, when upon the first vote the result stood: Raymond, 170½; McMasters, 32; Mellette, 40; Gifford, 80½; Shannon, of Huron, 18; Bentley, 27; Laird, 2; Moody, 2; Edgerton, 1.

There were seven ballots had without material changes, Raymond, however, losing eight votes and Gifford gaining eight. When the final break came, resulting in Gifford's nomination, Raymond still had his 170 votes, with 2½ votes addi-



tional. This was on the twelfth ballot. On the eleventh ballot Gifford had 97 and Raymond 172. On the twelfth Gifford received 223 and the nomination, which was made unanimous. Moody led the break to Gifford by throwing the McMasters vote of Lawrence County to that candidate.

Raymond's defeat did not come as a rebuke for his course as delegate, for he was probably at the time the most popular man in the field of candidates, and had really won his popularity by his efficiency as delegate to Congress and by remaining true to the interests of the people and their overwhelming desire for a division of the territory and statehood for the southern half, and in the contest before the convention it is plainly seen that at this time in 1884 the Northern Dakota sentiment, outside of Burleigh County, was almost solid for division. Delegate Raymond's position on the important issues were emphatically and clearly stated just prior to the territorial convention in the following brief note:

Fargo, Dak., August 19, 1884.

I have always been, am now, and ever shall be, in favor of division and statehood. I know of no citizens of North Dakota, save a few at Bismarck, who are opposed to division or who harbor any unkind feelings toward South Dakota. I deem it of so much importance, not only to Dakota but to all the Northwest and the republican party, that I would sacrifice all other measures and my position in Congress to secure it. I would not accept a nomination if accompanied by instructions to oppose division and statehood at the earliest possible date.

JNO. B. RAYMOND.

The platform adopted gave no expression regarding Ordway or the capital removal methods. Otherwise it was undoubtedly a fair expression of the republicans of the territory concerning the subjects mentioned. The text of the document follows:

Be it resolved by the representatives of the republican party assembled, that we hereby express our loyalty to the principles of the party as adopted at the last national convention.

Resolved, That we heartily endorse the present administration of public affairs as calculated to secure honest government, peace and prosperity at home, and respect for our nation abroad.

Resolved, That we commend the services of our delegate in Congress, John B. Raymond, and that we express our appreciation of the beneficial legislation he has secured.

Resolved, That we emphatically urge upon Congress the claims made by Dakota for division on the forty-sixth parallel, and the admission of the southern half to the rights and privileges of statehood.

Resolved, That we earnestly ask of Congress the ratification of the Indian treaty that has been made for the cession to the government of a large part of the Great Sioux Reservation, and that we also ask for the opening of the Winnebago and Wahpeton and Sisseton reservations in the territory, and that the lands included in them shall be disposed of only under the provisions of the bill now pending before Congress.

Resolved, That as there has already been a liberal appropriation for a survey of the Missouri River with the object of its improvement, that we ask Congress for prompt legislation for the purpose of such improvement, not only to the end that our natural advantages for commerce may be benefited, but that valuable lands, timber and otherwise, may be preserved from destruction.

Resolved, That as the demand for homes upon the public domain is greater than ever and cannot be supplied with lands that can possibly be surveyed with the present funds allowed, we ask that an appropriation be made sufficiently large to meet the demands for homesteads, preemption and timber claims.

Resolved, That we deprecate the public plunder of the sections set apart for the benefit of school funds, and that we ask of Congress the enactment of such laws as shall preserve them for their legitimate purpose, and as shall secure to the territorial treasury the revenue which might be obtained by permitting them to be lawfully used under lease or otherwise.

Resolved, That we deprecate any sweeping interference with the present land laws.

Resolved, That we favor the passage of a bill by Congress granting a portion of the unoccupied public domain for the establishment of a school of forestry and experiment stations in Dakota.

Resolved, That the present price of government lands within railroad limits work a great injustice upon the settler, as it makes him pay for an equal amount of land which the government claims to have given to the railroad company.

Resolved, That our delegate in Congress is requested to use his utmost endeavors to secure the passage of a bill making all government lands bear the equal price of \$1.25 per acre.

Resolved, That this convention recommends to the different counties in Dakota the importance of a proper exhibit at the World's Exposition at New Orleans.

Raymond's defeat may be ascribed, in a general way, to the proceedings of the Grand Forks convention that nominated him in 1882, where he received his nomination by a combination with Pettigrew. The result at Pierre, so far as it affected the political fortunes of Raymond, was the aftermath of Grand Forks; and in a general way his defeat was due to about the same causes that ruined Bennett in 1880, Bennett reaping the wrath of the "soreheads" who charged that he had defeated Kidder by unfair means. Pettigrew succeeded Bennett, but he did not unite the party, though he was loyally supported by it, elected and made a most efficient delegate, but at the conclusion of his term he found arrayed against him the same elements that had opposed him two years before.

The nomination of Mr. Gifford promised a respite from or rather would leave no feeling of resentment that would have the least influence upon the councils of the republican party at their next assembling. It placed the party in a position similar to that which it occupied when Judge Kidder was first nominated in 1875. It united all the elements. Gifford had antagonized no one; he had no overweening ambition to become a leader, was competent to discharge the duties of the office and everyone felt that he would do so strictly as he had agreed to.

The defeat of Raymond eliminated from the field of leadership in the republican party a popular citizen who, had he received this nomination, might have remained in a position to materially affect the fortunes of other leaders, for it is apparent that in the republican party at this time, with statehood in view, there were as many leaders, and even more, than could be accommodated with high positions in the new state, including senatorial and congressional positions, as well as state officers.

The Central Committee for the ensuing two years was elected by the convention: A. C. Mellette, chairman, Codington County; John A. Stoyell, Burleigh County; M. H. Jewell, Burleigh County; N. G. Nelson, Pembina County; H. W. Alexander, Hanson County; A. W. Edwards, Cass County; J. A. Monroe, Barnes County; Johnson Nickens, Sutsman County; W. F. Steele, Kidder County; John VanDusen, Hughes County; F. D. Hughes, Brown County; J. N. Wheeler, Brookings County; T. K. Long, Sanborn County; M. H. Kelly, Davison County; E. B. Dawson, Clay County; J. R. Gamble, Yankton County; A. Davis, Beadle County; B. E. Campbell, Minnehaha County; R. N. Welch, Union County; W. A. Houton, Spink County; H. J. Patterson, Aurora County; J. A. Pickler, Faulk County; T. M. Hitt, Bon Homme County; N. V. Reed, Kingsbury County; K. G. Phillips and Seth Bullock, Lawrence County; Sam Roy, Turner County; A. D. Clark, Pennington County; A. S. Stewart, Custer County; S. S. Lockhart, Grant County; C. F. Johnson, Butte County.

#### SKETCH OF THE CANDIDATE

Mr. Gifford was widely known and highly esteemed as a citizen, but had not been known as a politician, and in fact was not naturally inclined to that field of endeavor. He was a business man with a substantial reputation in that field. While the Lawrence County delegation, which fate designed should have the decisive vote in making the nomination, supported McMasters, being moved thereto by local considerations, Judge Moody, the leader, was friendly to Gifford, and undoubtedly expected or intended to go to him when the psychological moment came, there being no reasonable probability that McMasters could be nominated.

Raymond was formidable, standing on his determined battalion of 170 delegates, but one can observe in this situation where a candidate may be strong before the people, in matters of this character, and yet this strength may be his principal source of weakness. At that time the controlling forces in the republican party did not desire to recruit any more leaders. It was over supplied, and had Raymond won in this contest he would very likely have displaced some who had not only ambition for honorable position, but the fruition of their

ambition was very promising. The triumph of Raymond might have changed the destiny of individuals and of aspiring cities even, and it is related that the astute McKenzie, who, though a democrat, was on the ground and almost frantic because of the formidable candidacy of Raymond, finally went to Judge Moody and made a strong personal appeal to him to change the Black Hills vote to Gifford in order that Raymond might be defeated. The change was made and Raymond's political star became permanently obscured. Judge Gifford, in addition to his substantial qualifications, would not endeavor to build up a faction in the party to promote his individual interests. Raymond had already a strong following.

Oscar S. Gifford was born in Watertown, N. Y., in 1842, and looked all of his forty-two years. His early life was spent on a farm and his early educational advantages were not pronounced. In 1854, when Oscar was a lad of twelve years, his parents removed to Boone County, Ill., where in winter the boy went to school, spending his summers on his father's farm until 1861, when he enlisted in an Illinois regiment of infantry and as a private soldier fought all through the Civil war. Returning to Illinois in 1865, he succeeded in very much improving his education in a neighboring academy, and taught school in Boone County several seasons. In 1871, he started for Dakota, arriving in Canton, Lincoln County, as he says, without either a carpet bag or a federal commission. He soon succeeded in amassing some property and opened a general store in Canton, but his tastes did not lead to mercantile pursuits. He was soon elected a justice of the peace, serving in that capacity and also as mayor of Canton for several terms. Opportunity serving, Mr. Gifford commenced to read law in the office of Mark W. Bailey, of Canton, one of the brightest lawyers in Southern Dakota. Admitted to practice, he associated himself in the legal business with Mr. Bailey, and the partnership was continued until the death of the latter. Since that time Mr. Gifford has continued the pursuit of his profession and has acquired considerable property. He is married and has one son, four years old. Mr. Gifford is a stalwart republican, inclined to protection, and earnest for division on the forty-sixth parallel, and the admission of South Dakota as a state.

#### SCHOOLS OF FORESTRY

Delegate Raymond introduced a bill to establish a school of forestry in Dakota. It did not pass, and it was not defeated for want of merit by a vote of either House but for lack of time. It would have passed, undoubtedly, if it could have been reached in the House. It was a comprehensive and practical measure and provided funds, lands, and authority to establish a number of forests in the territory.

#### HARMONY AMONG REPUBLICANS

The territorial campaign following the nominations was comparatively a quiet one, it being generally believed that Gifford, owing to the harmonious conditions that apparently prevailed in the republican ranks north and south and in the Black Hills would receive the full vote of his party, which would insure his election by a large majority.

The democrats, however, did not permit the election to go by default, but made every reasonable effort to secure votes. It is not to be presumed that they anticipated a victory in Dakota, but they were quite sanguine that the national contest between Blaine, republican, and Cleveland, democrat, would give their party the presidency. Cleveland was governor of the great State of New York at the time, having been elected thereto two years before by a majority of over a quarter of a million. New York was looked upon as a pivotal state, and the democrats the country over were prosecuting the national campaign with unusual energy.

Mr. Blaine was a candidate for the first time, but he had been prominently before the people for fifteen years, and had been a prominent candidate before the convention that nominated Garfield. He was a great leader and an able statesman, but he was not without influential and open opposition in his own party. There was, therefore, sufficient in the national contest to encourage the democrats



of Dakota to make a good showing at home which would recommend them to the favor of the next national administration should Cleveland be successful.

This was the campaign that gave rise to the organization of the republican faction which was stigmatized as "mugwumps," led by Henry Ward Beecher and Harper's Weekly, which gave its support to Cleveland.

There was also an unusual interest felt in the territorial contest for members of the Legislature, it being the general opinion that the capital question was not yet settled, and the sentiment of the next Legislature would determine whether the people endorsed the removal and the methods by which it was accomplished. The capital had not, however, been entirely removed from Yankton. The supreme Court held its session there in October, 1884, and the secretary and acting governor, Mr. Teller, had kept his office there, but it was conceded that the coming legislative session would convene at Bismarck, and Governor Pierce had established his residence there.

Overshadowing and modifying all else was the dominating expectation of a division of the territory and the admission of the southern half as a state. With the accomplishment of this it was realized that all the differences between the two sections would be amicably adjusted.

#### THE OFFICIAL CANVASS OF THE VOTE FOR CONGRESSMAN

We hereby certify that the statement hereto annexed is a full, true and complete statement of the lawful votes cast and returned according to law for the office of delegate to Congress at the general election held in the Territory of Dakota on the 4th day of November, A. D. 1884, as appears from the returns now on file in the office of the secretary of the territory and as canvassed by us this 20th day of December, A. D. 1884.

A. J. EDGERTON, Chief Justice.

J. H. TELLER, Secretary.

The officially canvassed vote will be found in the following tables by counties, the northern and the southern counties separated in order to show the party strength in each county as well as in each of the two grand divisions of the territory:

#### SOUTHERN DIVISION

County	For O. S. Gifford	For John R. Wilson	County	For O. S. Gifford	For John R. Wilson
Aurora	740	491	Hughes	801	545
Beadle	1,881	430	Hutchinson	1,195	95
Ben. Homme	999	474	Hyde	643	124
Brookings	1,340	144	Jerauld	901	131
Brown	1,652	419	Kingsbury	1,016	149
Billings	No election		Lake	698	243
Brule	813	844	Lawrence	2,493	1,577
Buffalo	No election		Lincoln	1,095	50
Butte	294	161	McCook	782	264
Campbell	145	78	McPherson	294	-
Charles Mix	132	292	Marshall	No election	
Clark	730	242	Miner	1,001	20
Clay	1,025	184	Minnehaha	2,628	295
Codington	803	297	Moody	995	5
Custer	210	157	Pennington	625	349
DeWison	937	231	Potter	122	304
Day	1,071	50	Roberts	341	28
Deuel	682	56	Sanborn	1,090	189
Douglas	672	171	Spink	2,887	199
Edmunds	237	109	Sully	865	94
Fall River	74	70	Turner	1,263	107
Faulk	647	71	Union	881	735
Grant	1,174	4	Valley	854	38
Hamlin	539	98	Yankton	1,504	520
Hand	688	418			
Hanson	510	219	Total	42,330	17,211



## NORTHERN DIVISION

County	For O. S. Gifford	For John R. Wilson	County	For O. S. Gifford	For John R. Wilson
Barnes .....	1,710	208	Oliver .....	No election	
Benson .....	306	9	Pembina .....	2,757	155
Billings .....	No election		Ramsey .....	490	245
Bottineau .....	84	....	Richland .....	1,386	100
Burleigh .....	1,180	171	Rolette .....	No election	
Cass .....	3,641	470	Ransom .....	857	131
Cavalier .....	128	....	Sargent .....	1,051	18
Dickey .....	695	201	Stark .....	457	....
Eddy .....	No election		Snee .....	711	3
Emmons .....	254	1	Stutsman .....	904	388
Foster .....	503	80	Towner .....	121	65
Grand Forks .....	2,882	521	Traill .....	1,965	70
Griggs .....	403	13	Walsh .....	3,188	22
Kidder .....	344	90	Ward .....	No election	
La Moure .....	588	30	Wells .....	73	8
Logan .....	15	24			
McIntosh .....	22	....	Total .....	29,240	3,400
McLean .....	286	3	Total vote for Gifford...		71,579
Mercer .....	162	....	Total vote for Wilson...		15,121
Morton .....	648	295			
Nelson .....	1,083	38	Grand total .....		86,700

With such a one-sided partisan showing, Dakota was not in a strong position to appeal to a democratic President and a democratic House of Representatives, both having been chosen at this election for admission to the Union as two states.

## CHAPTER XCIV

### EDUCATIONAL AND RELIGIOUS INSTITUTIONS—PIERCE, GOVERNOR

1884

NEW ORLEANS COTTON EXPOSITION—SKETCH OF MCKENZIE—MILWAUKEE CRR  
EXHIBIT—EDUCATIONAL AND RELIGIOUS INSTITUTIONS—CATHOLICISM IN DA-  
KOTA—EVANGELISTS ORGANIZE—CONDITION OF THE FARMS—COUNTY ORGANI-  
ZATION—ORDWAY INDICTED AND INDICTMENT QUASHED—GOVERNOR CLEVELAND  
(N. Y.) THANKSGIVING PROCLAMATION—RAILROAD BUILDING—GRAND ARMY OF  
THE REPUBLIC ORGANIZED.

#### THE NEW ORLEANS COTTON EXPOSITION

Alexander McKenzie, of Bismarek, having been appointed by Governor Ordway, commissioner to take charge of the exhibit of Dakota at the New Orleans Cotton Exposition and World's Fair, issued a circular letter with an appeal for funds in June, 1884 (July 2), as follows:

The people of Dakota have always felt a just pride in their great territory, its resources and capabilities, and have never lost an opportunity to present its superior advantages to the world. Perhaps no territory in the Union has been so thoroughly advertised as Dakota, yet the half has not been told. Dakota is an empire in itself and even its own people would be amazed at the lack of intelligence they have regarding the vast resources of the territory as a whole if samples of the products were congregated together. The people of each section know the advantages of their immediate surroundings, but few, indeed, can realize the grand aggregate of resources, developed and undeveloped.

Probably the most successful method of attracting the attention of settlers and investors, outside of personal efforts, has been through the medium of exhibits at various fairs and exhibitions, where the products of the territory have been brought in competition with those of other sections of the country. Attention has thus been attracted in a practical way, and scoffers and doubters have been silenced when brought in contact with actual results.

The World's Industrial and Cotton Centennial Exposition to be held in New Orleans from December 1, 1884, to June 1, 1885, promises to be one of the greatest events of the kind in the history of the world. Congress has seen fit to appropriate \$1,000,000 to aid in the construction of buildings and preparation of grounds, and nearly every country on the globe has already signified its intention to take part in the affair. The people of Dakota have been invited to make an exhibit of their productions and resources, as the exhibition will be attended by visitors and representative men from all parts of the world, the opportunity is thought to be a grand one to illustrate what the territory has already done and is capable of doing.

The expense of such an exhibit, lasting as it does for six months, will, of course, be quite large, and after some consultation it has been thought proper that the territory raise at least fifty thousand dollars to defray the cost. It is proposed to raise this sum by an assessment upon the various counties in the territory, as it is thought each board of county commissioners will be willing to make an appropriation to aid in the work.

This method of raising funds becomes necessary because of the fact that the next session of the Territorial Legislature will not convene in time to make an appropriation. It is thought best that the money be raised as above stated, then each county to request its members of the Assembly to vote for a bill making an appropriation to reimburse the counties for such appropriations. By this method no difficulty would be encountered in arranging so that the burden would be equally shared by all taxpayers.

It will be necessary to collect at once samples of grain and other farm products, care for them and have them ready for shipment when desired. Every sample of grain should be, so far as is possible, carefully labeled so that each section may have due credit. Twenty to thirty cars of selected samples of wheat, oats, rye, barley and other products, in bundles, will be required, but further instructions can be given when it is definitely known whether the funds will be forthcoming to carry on the work.

In this exposition nearly every country in the world will make an exhibit, and as we have in this territory more undeveloped wealth, mineral and vegetable, than any other country of equal extent in the world, and as we have but 400,000 people within the borders of this vast domain—a region abundantly capable of sustaining 5,000,000 souls—it behooves us to make not only a creditable showing, but to excel all others.

It is desirable to make an exhibit of samples of wheat, oats, rye, barley, corn, sorghum, and other cereals; timothy, buffalo and bunch, Hungarian and other grasses; all kinds of fruits, both wild and cultivated; vegetables and other agricultural products; cheese, butter, cattle, hogs, sheep, fowls, game, medicinal waters, woods, soils, gold, silver, coal, petroleum, tin, lead, plumbago, copper, iron, mica, fire clay, gypsum, asbestos, building stone (which has no equal), brick, terra cotta, marbles, and all manufacturers, and, in fact, everything and anything that is connected with Dakota that will interest and instruct visitors.

Will not your county board appoint two men to act as special commissioners in your county, and to be paid by the county, who can aid the commissioner of the world's exposition in his work, and attend to the collection of money and samples? This is a matter of public interest and demands prompt attention.

All moneys collected by this assessment will be used to defray freight charges, telegraphing and printing, stationery, and other expenses at New Orleans, and not used for the transportation of a large number of would-be visitors to the exposition. Hoping to have a favorable and prompt response, I am, respectfully,

ALEXANDER MCKENZIE,

United States Commissioner for Dakota Territory.

"North, South and Central American Exposition," was the name finally adopted by the New Orleans Exposition, which informally opened November 10, 1884. The exhibits from South American states and those of Central America, as well as Canada and the United States, had accumulated to such an extent and to such a variety that it was decided that the great fair was entitled to be designated by a continental name.

The exposition was officially opened Tuesday the 16th of December, 1884, by Chester A. Arthur, President of the United States, and the ceremony in which he acted the principal part took place in the east room of the White House at Washington, where were assembled with the President and his cabinet, with their wives, all the foreign ministers, a number of famous military and literary men, the Supreme Court judges and their wives, congressional committees, and others. These opening ceremonies were conducted through the medium of the electric telegraph between Washington and New Orleans. The formal proceedings were introduced by Commissioner Richardson, at New Orleans, who addressed the President, as follows:

To the President: The present occasion is the consummation of an enterprise inaugurated in conformity with the act of Congress passed less than two years ago, and authorizing the holding of the World's Industrial and Cotton Centennial Exposition, under the joint auspices of the United States National Cotton Plant Association and the city of its location. New Orleans was then selected as the site of the World's Exposition, and in June, 1883, thirteen commissioners, comprising the board of management, was appointed by the President of the United States and at once entered upon the discharge of their duties. At an early date, however, it became manifest that the liberality of the city and state would be inadequate to meet the requirements of the ever increasing magnitude of the undertaking. Accordingly application to the United States was made through Congress, resulting in obtaining generous assistance. Mr. Richardson concluded his address with an expression that the exposition would produce closer and more friendly intercourse with the countries and a firmer establishment of peace in our own country.

The President responded with the following concise address, which more fully explains the purpose of the exposition:

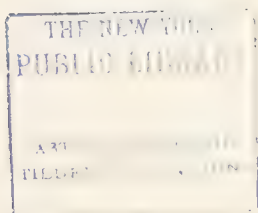
In the name of the people of the republic I congratulate the citizens of the Southwest on their advancing prosperity as manifested in the great international exposition now about to open. The interest of the nation in that section of our commonwealth has found expression in many ways, and notably in the appropriation for the improvement of the Mississippi, and by the national loan to promote the present exposition. Situated as it is at the gateway of the trade between the United States and Central and South America, it will attract the attention of the people of the neighboring nations of the American system, and they will learn the importance of availing themselves of our products, as we will of theirs, and thus not only good feelings and profitable intercourse between the United States and the



GILBERT A. PIERCE

Eighth governor of Dakota Territory  
1884-87





states of Central and South America will be prominent. The people of our own country, thus brought closer together, will find in this exposition of commerce and industry the strength of the bonds of brotherhood. The world of science, art and literature will have drawn much nearer the nations of the earth, and an assembly like this of representatives of the different nations is promotive of good will and peace, while it advances the material welfare of all. The United States extends to those from foreign countries who visit us on this occasion a cordial welcome.

And now, at the executive mansion in Washington, in the presence of the representatives of the friendly nations of the world; of the president of the Senate, of the speaker of the House of Representatives, of the chief justices and associate justices of the Supreme Court, of the committee from each house of Congress, and of the members of my cabinet, I again, and in their name, congratulate the promoters of the exposition upon the auspicious inauguration of an enterprise which promises such far-reaching favorable results. With my best wishes for the fulfillment of all its great purposes, I now declare the World's Industrial and Cotton Centennial Exposition open.

Senator Logan followed with a brief address from the joint committee of Congress, at the conclusion of which the President touched the button of the instrument and started the machinery in New Orleans.

At New Orleans the formal exercises opened with a prayer to God, first pleading for the divine blessing upon the officers, directors and managers of the exposition; continuing the clergyman prayed that

"This day may mark the beginning of a new dispensation of prosperity and brotherhood. May there come from the influence of this exposition—from these fields of industry—results which shall give the people more complete apparel and better food; more comfortable shelter and more thorough educational advantages. May it result in spreading the golden sails of our paralyzed shipping, in starting the plow and opening the doors of our storehouses, and may there come to this whole land increased prosperity from this gathering together from day to day and month to month of people of all states and countries. We pray that past feeling of sectional discord may disappear and the South, North, East and West become four part of great national harmony. May it be the unification of North and South America," closing the prayer by invoking the divine blessing upon the manufacturing, industrial, educational and reformatory institutions of the world.

Dakota took an active part in this exposition—in fact the only occasion it had ever exerted itself in behalf of a national celebration of this character. The centennial at Philadelphia in 1876 found Dakota busied with efforts to open the Black Hills, and generally unprepared to do much in the line of an exhibition of its products and resources, and rather than disclose her meager store, she contented herself with a display of literature, a modest contribution to the capital stock, and a pyramid of corn and wheat.

The New Orleans celebration found the territory in much better condition to represent products and resources that would interest and instruct the intelligent people of our own and foreign countries. Dakota's traditions and history were linked with New Orleans. The territory was a part of that great domain of Louisiana, which was purchased by the United States in order to get control and ownership of New Orleans, the entry port from the Mexican gulf to the Father of Waters, and its main tributary, the Missouri. It was not a difficult matter to interest Dakotans in the New Orleans celebration. The earliest pioneers—the fur traders of the Dakota portion of the Missouri country—were from New Orleans and St. Louis, the latter having been planted or founded, partially to give New Orleans a nearer base of operations to the rich Missouri Valley. All the earliest traders of enterprise and prominence were those true southerners. Our Red River pioneers were English and Canadian—our Missouri pioneers represented France and Spain. Had the railroads left Dakota to work out its destiny without their aid, New Orleans would have been Dakota's shipping port to the world's markets of her surplus grain and beef, as it was in the early days the shipping port of the agriculturists of the Mississippi Valley.

Col. Melvin Grigsby, of Minnehaha County, was appointed commissioner from Southern Dakota, and through the energetic efforts of the two commis-

sioners, the counties of the territory were prevailed upon to raise about forty thousand dollars, which was the sum estimated to be necessary to defray the expenses.

As will be learned from a brief description of the Dakota exhibit given herewith, the Dakota representatives displayed commendable enterprise and excellent discretion in assembling the products of the territory, and won the admiration and plaudits of the foreign as well as home visitors for the artistic, attractive and novel method pursued in arranging this material for exhibition. It was said to occupy the most complete, suitable, and unique section of the entire show, and was by far the best the territory had ever made for the people of the world to look at and inspect. A brief description of its scope and general character will be of value and not devoid of interest. The first feature presented was that of a wild country in a state of nature shown by a genuine buffalo and elk skin tepee, with an Indian family abiding in it, the squaw engaged in domestic duties, while the husband had an Indian pony harnessed to a travois, the vehicle peculiar to the savage when on the march; an Indian youth was in the group with a genuine Indian dog, a cross between a wolf and an American hound, also harnessed to a boy's travois. Buffalo hides and trophies of the chase, minus the scalps of a foe, however, were displayed around the tepee, conveying a fair idea of a scene of primitive life as it was before civilization disturbed the customs of the savage race who inhabited its borders. Nearby adjoining the tepee was a large log shack, typifying the first step of progress of civilization. The shack sheltered a white hunter and contained the trophies of a successful hunt, in a number of well mounted wild animals, prepared by a skillful taxidermist. Here were also displayed many specimens of the work of the savages, men and women, after they had imbibed something from white instructors. Fronting the shack and the tepee was pronounced to be the most genuine of the novelties displayed in the entire exposition. It was a small circular park about forty feet in diameter, sodded with a new grass and ornamented with living trees. In the center of the park stood a true white buffalo, a most rare animal, the property of the Hon. James J. Hill, president of the St. Paul, Minneapolis & Manitoba Railway. The park was a museum of wonderful curiosities, all gathered in Dakota, bleached buffalo heads, petrifications, prairie dogs, elk, deer, antelope, beaver, skunks, bear, wolves, foxes, coyotes, rabbits, prairie chickens, and birds of all kinds known to the Northwest, occupying this novel and attractive Dakota park, for so it was designated and known and commented upon by thousands of visitors. More fine specimens illustrative of natural history were seen here than elsewhere in the entire exposition. These specimens had been procured during the fall in Dakota by hunters employed by McKenzie for the purpose. In front of the park was a grand display of geological specimens so varied and attractive as to excite surprise and wonder even to many Dakotans who prided themselves on their store of knowledge regarding the resources and the geological treasures of the territory. A suggestion of the early exploration of Dakota was illustrated by a large and attractive boat, thatched with wheat, illustrative of the Lewis and Clark expedition under President Jefferson's administration in the early years of the nineteenth century, but the wheat decorations on the boat seemed out of time by several decades, but we are to bear in mind that Dakota's exhibit was wholly designed as an advertisement of the most valuable and attractive portion of the United States, which at that time was a subject of discussion in all sections of our common country. This Lewis and Clark expedition permitted the eloquent delegate from Dakota to tell a most charming story, founded on important historical facts, regarding the great territory that was then in everybody's mind and concerning which everyone knew a little and was anxious to learn more. The fine wheat in stalk gave emphasis and confirmation to the agricultural value of the country through which the intrepid and successful pioneer adventurers made their way amid many perils even to the shores of the Pacific three-quarters

of a century earlier. It served as a declaration and proof of the value of the soil in the production of the world's most valuable and possibly indispensable food product, which many of the statesmen of Lewis and Clark's day pronounced as next to worthless, of no particular value to the United States, and in any event could not be utilized for settlement for several centuries. This grain, and the civilization which had produced scores of millions of bushels of it the same year from the soil of the territory, was a wonderful vindication of the wisdom which compelled the United States to purchase the entire Territory of Louisiana for a sum less than the money value of one third its wheat crop of 1885.

What was termed the centerpiece of the territory's collection was a tall eight-sided tower, twenty feet square at the base, decorated with varieties of grain in appropriate designs, and surmounted by an ear of corn formed of sixteen varieties, fourteen feet high with a fine specimen of the American eagle perched on its pinnacle. This whole design because of its amplitude and excellence was one of the most conspicuous attractions to engage the attention of the thousands who thronged the hall. Tastefully designed placards affixed to the tower, informed the spectator that "Dakota has a \$5,000,000 school fund" (meaning the value of her school land endowment), also that "Dakota has 75,000,000 acres of free Government land." "Free homes for the homeless" was another, but the appearance of those who read it did not indicate that they were in the homeless class; still, many halted long enough to ask an explanation of the generous promise. Fronting the tower were two pyramids, one of No. 1 hard wheat, the other of flour, and between these was a smaller pyramid enclosed by a settee where the weary sightseer might find a resting place amid scenes of charming plenty. A large corn crib completely filled was near by and near the crib a display of vegetables which challenged the world to excel. A separate division was fitted up for the display of hay and grasses, and the visitor read the legend that "Hay and grass make beef," which contradicted the popular impression in most urban communities that the packing houses furnished it ready-made, and to confirm the claim of hay and grass, a fine steer, whose weight might have been a ton, butcher's weight, stood in a small grass field under the shadow of the banner. The Indian Palace of Art was a very interesting exhibit. It was enclosed with logs covered with the hides and robes of such wild animals as could be obtained on the rapidly receding frontier of the territory. The floor of this bazaar was carpeted with the pelts of fur-bearing animals; and innumerable works of art, more or less admirable and skillful, the production of Indian labor, were tastefully displayed and were under the supervision of celebrated warriors of the Sioux tribe and their wives, including two or three from Sitting Bull's band, which tribe had sent some of the most cleverly executed specimens of painting, and work in porcupine quills and beads. **work that had involved much time and commendable skill.**

The display of minerals from the Black Hills was very creditable. It covered a greater variety of minerals than any other exhibit on the grounds, though the quantity was less. Dakota "tin quartz" attracted more attention and discussion than even the gold. Dakota was the only section of the country that displayed this metal, and miners as well as capitalists and scientific savants talked about it. The Black Hills also presented fine samples of petroleum and refined salt.

Dakota ingenuity has devised among other things a model of a grain elevator, showing through its glass sides the engine and all the machinery for elevating and cleaning wheat in actual operation. Models of grain fields, showing wheat, oats and barley as they appear when ready to harvest. A corn crib with thatched roof and cornice of the yellow grain. A lofty pyramid of hay, surmounted by a mammoth stuffed ox. A highly ornamented pagoda in the center of which were attractively displayed heaps of small sacks, each filled with No. 1 hard grain to be given away as souvenirs. A number of glass-



like cylinders from five to eight feet high, and pyramids of bottles also containing grain, and a lofty pyramid of sacks also containing food grains. There were specimens of Dakota timber, one, the trunk of an oak four feet in diameter. Gold, silver, lead and tin from the Black Hills. Coal in abundance, building stone, rough and dressed, pumice stone, Black Hills marble. In fine arts there was an interesting display of women's work in the gallery which comprised paintings, carvings, needlework, hammered brass, and pictures of the loveliest spots in the great territory. The Indian chief Gaul, Sitting Bull's executive officer, with Mrs. Gaul and one of their children was in attendance at the Buffalo Park. They were among the rare attractions, and were decorated, but they speak no English, hence are not communicative, but they smile a great deal, and are having "the time of their lives." One of the Bad Land petrifications on exhibition weighed a thousand pounds, and there was also a quantity of round stones, four or five inches in diameter, remarkably smooth which were collected from the celebrated Cannon Ball River showing the origin of the name of that remarkable stream which divided the Indian reservation from the Government land for so many years. The eagles of Dakota have earned the right to scream most joyfully because of the natural wealth and remarkable progress the territory had made in all the elements of the highest and best civilization.

Sioux Falls made a magnificent display of jasper granite, which excelled any similar display from other quarries, and when the inexhaustible quantity of it was spoken of, there were many who appeared incredulous and insisted on a journey to Dakota in order to clear up their doubts that one small fragment of our great country could produce such a variety of the most valuable of all agricultural and mineral products. Bartlett Tripp, of Yankton, and Buffalo Bill, the famous Dakota scout, with General Miles, were enthusiastic visitors, and claimed that Dakota had the most valuable exhibit of any portion of the country and were proud to be numbered among Dakotans.

When the formality of opening Dakota's part of the great show came to be expressed, Col. Pat Donan celebrated as an orator and writer, made the address, acquitting himself with much credit.

Assistant Superintendent Grigsby, speaking of the exposition during a visit home in December, said:

The buildings and grounds are grand, and will all be in perfect shape before many of the exhibits will be ready for inspection. Exhibitors who were also in charge of exhibits at the Philadelphia centennial, contend that this fair will, in many respects, surpass the centennial. The states and territories are all there, and with much larger and more elaborately arranged displays than they had at Philadelphia. Mexico and the South American states are largely and finely represented, and also most of the governments of the eastern continent. This is the first time that Dakota has entered the exposition arena. The indications are that she will surpass the other territories and be fully up to many of the states in quality, quantity and variety of her exhibit. Her Indian goods and curiosities, such as implements of war and the chase, dressed skins, human scalps, and decorative work, are attracting much attention, as is also her artificial park, the only exhibit in which is displayed the animals, the birds, the petrifications and other attractions. The agricultural products of Dakota, notably wheat, corn, oats and flax, are very fine. No state will make a finer showing of corn. The mineral exhibit from the Black Hills will attract much attention. The polished Jasper from the Sioux Falls quarries and polishing works is absolutely the rarest, most expensive and most beautiful that the world can produce. All in all, Dakota, though denied admission to the Union, will have an exhibit that will far surpass many of the states. The interest already shown in this exhibit and the absolute ignorance manifested by people from all sections in regard to the extent and resources of Dakota, give proof that her people have done a wise thing in preparing such a full and attractive exhibit.

An observing and reliable pioneer citizen of the territory, Mr. Dan Scott, who visited the exposition in March, 1885, made public the following statement concerning Dakota's exhibit, after some general remarks regarding New Orleans and the attendance of visitors who were coming in at that time at the rate of from thirty thousand to fifty thousand a week:

Iowa, Nebraska and Wisconsin all have very creditable displays, but it is the universal verdict of all who have inspected their exhibits that Dakota is entitled to the blue ribbon for the extraordinary character of her kind of display. It is really grand for its immensity, artistic arrangement, and as showing the capabilities of the territory. It embraces all the natural, productive and indestructible elements of wealth for which Dakota is becoming so rapidly famous. It surely required an intelligent direction and a commendable industry to gather together and arrange the immense collection. Everyone who goes through the Dakota department is unsparing in their praise of the enterprise manifested by "that far-away wild territory," as many express it. They don't seem to realize that Dakota is not far away, on the contrary, that she is in the geographical center, east and west, of our continent. It's these states on the border that are distant.

Dakota's exhibit will prove worth ten times what it cost. It gives the millions who will view it an idea of the broad gauge, enterprising character of its people, and therefore, the taxpayers of the territory will soon realize that they are under obligations to the men who have been instrumental in getting up the magnificent show for them. It is a difficult matter to realize the grandeur of the display in question from a description, because a better comprehension can be conveyed by glittering generalities, which in this case do not need the embellishment that extravagant description might give. Those of Dakota's citizens who are entitled to great credit for procuring and arranging our exhibit so effectively are: Commissioner McKenzie, Deputy Commissioners, M. Greeley, Sioux Falls, Col. R. E. Fleming, Fargo; Colonel Sterling, Huron; Farmer Wallace, Bismarck; and Judge T. L. Skinner, of Deadwood. The northern portion of the territory is giving more attention to advertising its advantages than the southern, though the commissioners are doing impartially, but many of the northern newspaper publishers send their publications regularly to the Dakota department, while very few of the southern publications are seen. This ought not to be. The corn belt should awake to the benefits which liberal patronage may at this time prove for them. "Let your light so shine," etc.

Alexander McKenzie became the most conspicuous citizen and celebrated character in the Territory of Dakota before it had run completely its territorial course. He became most widely known through his management of the capital removal scheme which transferred the seat of the government from the southern to the northern frontier, for which duty he appears to have been deputed by the Northern Pacific Railroad Company and Bismarckians. He was intimately associated with Governor Ordway in the capital matter, and possibly acted as his bodyguard during the period when the governor felt that evil-disposed persons might feel provoked to lay violent hands on him, for he appeared to have engendered antagonism in many places that had been disappointed in a county seat ambition or a capital location. As McKenzie made it a rule "never to go back on a friend," and as Ordway had rendered him obsequious and timely assistance in his plans, he did not shirk from acting as bodyguard to the physical giant who apprehended that some misguided person might be disposed to assail him.

McKenzie appears to have been regarded as an able intriguer, a faithful and trustworthy man when entrusted with a mission, and his customary manner and genial disposition warded off enmity, and won for him a reputation of being altogether a more moral man than his gubernatorial companion and business associate. McKenzie was never accused or suspected of being connected with the county seat deals which were charged against the governor.

As viewed by one quite well acquainted with his public career, as well as his personal qualities, "McKenzie was the versatile genius of his time and one of the most conspicuous characters in Dakota during the last decade of its territorial career." The same observing writer says that when Alexander Hughes deserted the Yankton colors and became a capital remover, and the confidential adviser of Governor Ordway he seemed to have obliterated by a single stroke the honorable record of a past made memorable by the effort and achievement of the brilliant political leader. In the popular estimation he had bartered away his honor. For the people he had served so gallantly as leader looked to Alexander Hughes to preserve the laurels placed upon his brow at the Grand Forks convention. And today "there is none so low as to do him reverence—no, not even in the home of his adoption."

With Alexander McKenzie, how different the case. He, the bright, commendable fellow, personally, who had never been credited with such a thing as scruples may be said

to have been without any moral responsibility in the matter. Brilliant in another direction, Alexander the Great of Bismarck actually gained in personal reputation by the coup d'état at Yankton and the celebrated chase he gave the capital commissioners in search of reasons to justify the agreement entered into at the start by the great Modoc chief (McKenzie), principally with himself, and subsequently ratified by the Sioux chief (Ordway), and the medicine man of the Northern Pacific Railroad, that the capital should be located at Bismarck.

Although McKenzie is a democrat "personally," and although Dakota is practically a republican unit, it remains the fact, all the same, that McKenzie is the chief engineer, whenever he wants to be, of the domestic affairs of both parties. It was he who, at the republican convention at Huron, snatched from the jaws of defeat and humiliation a partial victory for Ordway. Aleck wasn't a delegate himself. He never is, or rarely is. He poses, smiling and serene, as a figure on the floor of your convention, and gayly proceeds to figure you out of your boots.

What is the secret of his success? Ah, there are more secrets than one, and it must be admitted that they are for the most part open ones. In the first place, Aleck McKenzie is, "personally," a man you would like. Tall, broad-shouldered, and of full proportions, with light sandy hair and moustache, and the round, ruddy face of the good-humored Scotchman, Alexander the Great, of the North, is everybody's friend on principle.

There is not a political or "public" enemy, to adapt a word to my meaning, against whom Aleck McKenzie finds himself arrayed, who stands without the pale of the adroit chieftain's speaking acquaintances. He can slap them all on the shoulder and sit down to a confidential chat, held "personally" with them. Aleck understands human nature, and always rubs the fur the right way—that is, down, of course. With the same clear insight into the human breast, he is free-handed to a degree. He always carries a roll of bills, among which the V is a small denomination and spends his money so freely and with such evident relish, that one fancies that some of the virtuous innocents from South Dakota, who now and then get taken in, secretly wish, at the bottom of their hearts, that there were only more chiefs like him—the merry, merry Modoc in the land of the Dakotahs.

McKenzie is always ready for a trade, and if he does not get the best of it he generally manages to make the other side feel he is well pleased for the time being. He pays the highest market price for everything and everybody he gets, and knows just exactly how to approach things and people. Aleck McKenzie is the type of a rustler who takes the world as he finds it, and employs the methods in popular use to his own advantage. He is generous to his friends and friendly toward his enemies, and upon the whole about as well liked, "personally," as Ordway is detested.

#### A CAR EXHIBIT OF FARM PRODUCTS

That the present and coming generations may know of the efforts made by their ancestors to attract attention to Dakota with the view of increasing immigration to its prolific acres and to share in its other superior natural resources, a mention is due to the enterprise of the Chicago, Milwaukee & St. Paul Railway Company in providing a very creditable exhibit of Dakota products and exhibiting it in various parts of the United States during the autumn of 1884, and finally turning it over to enhance the attractiveness and value of the territory's unequalled exhibit at the World's Fair at New Orleans, which was held for half a year beginning in December, 1884.

This agricultural exhibit was made in an ordinary passenger car from which the seats had been removed with shelves ranged around the interior convenient for the display of the products of Dakota soil. The exterior of the car had been decorated with a finely painted and artistically executed picture of a Dakota harvest field, and landscape views on one side, and on the opposite side one could read, whether the car was running or halting the brief announcement:

Samples of Dakota Products, Along the Line of the Chicago, Milwaukee & St. Paul Railway.

It has been elsewhere remarked that there had been a noticeable falling off in immigration to Dakota, and the railways had observed this, possibly with some concern, for they had reaped a bountiful harvest for four years from the immigrant business, and it was to their interest to stimulate the removal spirit anew. But the principal factor in inducing the eastern people hither had been the free lands of the best quality, east of the Missouri River. The cream of this alluring magnet had been skimmed off by the hundreds of thousands who had literally



poured into the territory since 1879, and these new comers who had been among the most influential of our immigration agents through their letters to the old home people had been less enthusiastic of late, observing that the prizes in farm lands had been largely taken, which was true; though many thousands of good farms yet remained to be homesteaded, they were scattered here and there, and known professionally to the land and locating agents. Dakota had its day as a mecca for the American and foreign peoples who wanted a home-land, and henceforth the incoming was to be continuous but much more moderate in numbers in each year than that which had amazed the whole nation.

But this railway exhibit was a fine enterprise, and creditable in every feature. The interior of the coach was very inviting and inclined to stimulate the appetite of the visitor whether man or woman; it was all so cleanly neat and artistically arranged, and composed of such pleasing materials that it had a wholesome appearance—every article seemed to be inviting the spectator to “look at me.” The roof of the car was ornamented with flax, grasses, and grains, skillfully wrought into numerous designs. Underneath this canopy were hung several varieties of corn in the ear—yellow dent, yellow flint, white flint, strawberry. A sample of white flint had grown to a length of 14½ inches, completely filled. Still lower down were the shelves upon which the vegetables were exhibited. Here were sweet potatoes weighing three pounds each from Yankton, Irish potatoes grown in Union County or Elk Point, Union County, cucumbers, egg plant, musk and watermelons and canteloupes, squashes, beets, cabbage, and all kinds of fruits. Preserves from Sioux Falls consisting of native plums, blackberries, raspberries, gooseberries, currants. The vegetables were many of them of the colossal pattern. Beets grown in Brown County weighed from seventeen to twenty pounds each. On the floor were sweet pumpkins that would weigh eighty pounds, and one watermelon that weighed thirty-two pounds, too large to be placed on a shelf. The largest vegetable in the exhibit was a squash, raised by O. V. Knowles at Karam, Lincoln County. Its circumference was eight feet and one inch, and its weight 185 pounds. Samples of wheat, oats, rye, barley, flax of superior quality had an appropriate place in the setting. A separate room in the car was given up to a show of grasses, bunch grass, seven feet high, timothy with heads six inches in length, blue joint grass 7½ feet tall, and red top five feet high. A sample of peanuts of the finest quality was shown, grown on the bottom lands known as the Vermillion bottom, and Sioux Falls granite, polished as elegantly as marble, and in the rough also.

As a companion piece to the display of natural products, there was a skillfully constructed model of a locomotive engine and tender and a baggage car and sleeper constructed entirely from Dakota grains and grasses and evergreens, and made wholly by a Dakota railroad man, the idea having been to link the great resources of the territory with their indispensable supplement which must be utilized in conveying the treasures of nature to the millions of homes where they are needed. The locomotive was eight feet long, and every part of the modern machine had been reproduced with fidelity and artistic skill, and all made from grasses, grains and evergreen bushes grown along the line of the Milwaukee Railroad in Dakota. The cow-catcher, bell, whistle, drive-wheels, steam chest, piston rods, headlight, and everything belonging to the structure at rest, had been supplied. The figures “30” were painted on the headlight, indicating that Dakota would be the thirty ninth state when admitted into the Union, and appearances justified the prediction, but “the nice laid plans of mice and men, gang aft aglee,” and we became the “fortieth” and “forty-first.” The engine had been named the “S. S. Merrill,” general manager of the company’s properties, and a very enterprising citizen. The artist whose genius contrived and executed the work was William Sibben, of Aberdeen, a railroad man.

The entire exhibit was in charge of W. W. E. Powell, general immigration agent for the road, assisted by C. C. Henderson, and by D. H. Moses, the railroad company’s Dakota immigrant agent. It was taken for exhibition to Chicago,



Detroit, Cleveland, Buffalo, and through New York, Pennsylvania and the New England states, and into Eastern Canada, and was visited and inspected by tens of thousands of people. Two months were passed in this itinerant show business, and multitudes of people learned more about Dakota than they could have done in any other way unless they were willing to go to the expense of a journey of some length. Finally the car was run down to New Orleans and its trophies transferred to the already complete and winning exhibit made by the Territory of Dakota.

#### RELIGIOUS AND EDUCATIONAL INSTITUTIONS

The religious and non-sectarian educational institutions in Dakota at the close of the year 1884, of a territorial character and owned by the territory or by religious bodies, and open for the reception of students were the University of the Territory of Dakota at Vermillion, and the University of North Dakota at Grand Forks; the Agricultural College at Brookings; and the normal schools at Madison and Spearfish. Also the Congregational College at Yankton, the Baptist College at Sioux Falls, the Presbyterian College at Pierre. Prospectively at that time there was the Methodist University at Mitchell; and also one at Ordway. A Norwegian Lutheran College at Canton; the Baptist College at Tower City; a Presbyterian College at Jamestown; the Agricultural College at Fargo located by the last Legislature, and a college to be erected at Flandreau, endowed by the grandparent of Professor Perry, head of the Flandreau schools. A normal school had been opened at Madison, Lake County, and the Spearfish Normal in Lawrence County had entered upon its first term.

The cornerstone of Mitchell's new Methodist university, the Wesleyan, was laid on Wednesday, September 3, 1884. Bishop Andrews in charge of the Dakota Mission made the principal address, and other speakers were Mrs. J. Ellen Foster, Doctor Brush, Doctor Pardee and Rev. Wilmot Whitfield.

The Territorial University at Grand Forks provided for by the Legislature of 1883 was so nearly completed that it began its work as an educational institution of the first class in September, 1884, with Doctor Blackburn as president, Professor Montgomery as vice president. The enrollment of students at the opening of the school was in the neighborhood of fifty. Four of the professorships were occupied.

#### THE PRESBYTERIANS

The Presbyterian University of Southern Dakota which had been established at Pierre was rechristened in October, 1884, and thereafter was called Pierre College. The presbytery of the territory had quadrupled in number to four presbyteries in eighteen months, and a synod was organized and officered at Pierre in October, the university taken over, its title changed and the following controlling bodies elected: Trustees, W. S. Peterson, Huron; H. O. Fishback, Pierre; H. P. Carson, Scotland; and John P. Williamson, Greenwood, for the term of three years. J. D. McLain, Groton; C. A. Bliss, Aberdeen; R. B. Farrar, Volga; and J. B. Pomery, Huron, for two years. Robert E. Ewart, Mitchell; G. F. McAfee, Pierre; and Judge Wm. E. Church, Deadwood, for one year. The synod selected Pierre as its meeting place the next year and the dedication of McCormick Hall and the inauguration of Rev. T. M. Findley as president of the college were appointed for that synodical assembly.

In Southern Dakota there were seventy-eight Presbyterian churches at the close of the year 1884, forty-one of them having houses of worship, all paid for, the whole property being valued at \$71,800. Besides these was the Pierre University, owned and controlled by the Synod of Dakota, valued at \$40,000, all paid for, making a total of \$111,800. There were fifty-seven ministers in the synod. The largest contributions to foreign missions in 1884 came from the Indian presbytery of Dakota amounting to \$715, an average of \$1 per mem-

ber. In Northern Dakota there were forty-five Presbyterian churches and thirty-five ministers. In the entire territory there were 133 Presbyterian churches and ninety-two ministers. Value of church property \$225,000.

#### CATHOLICISM IN DAKOTA

The condition of the Catholic churches and societies in the Territory of Dakota in 1884 was very fully and entertainingly set forth in a statement made by Rev. Geo. L. Willard, V. G., of the Dakota Diocese in May of that year. It exhibits the results of the zealous and efficient labors of the various representative bodies of that denomination of Christians within the territory, among both the Indian and white population:

Dakota, as the objective point of a large immigration from the states farther east, excites the attention of the public, and among other things, the Catholic people wish to know the status of the church in the western territory. It is the object of this short sketch to give a truthful statement of the matter.

The bishop of Dakota, Rt. Rev. Martin Marty, D. D., is the right man in the right place. Pious, even saintly in his own life, his greatest desire is to advance the interests of the church throughout his vast vicariate. Learned, accomplished and polished in his exterior address, he fascinates all with whom he comes in contact. Humble as a child, he seems to forget self, and is equally at home in the city, in the sad shanty of the poor immigrant, or when wrapped in his blanket he lies in the tent of the wild Indian. His whole life is devoted to his work. He is assisted by some very excellent and efficient priests. Several of them speak the language of the Dakotahs. The work of the church among the Indians is in a successful condition. One of the most zealous priests in the whole territory, also most devoted to the conversion of the Indians, is the saintly Father Malo, who resides at Turtle Mountain. In the extreme northern part of the territory, Devil's Lake Agency, as also Standing Rock Agency, are in the care of good Benedictine fathers, whose well known zeal is a sure guarantee of success. Father Bushman is at Pine Ridge Agency near to the Black Hills, and Father Craft at Rosbud Agency. These two agencies are near to each other. There were 15,000 Indians in them. Father Bushman baptized Red Cloud, chief of all the Dakotahs, last month. The work of instruction and conversion is going on very rapidly at these two agencies, where, within the past few months, over five hundred have been baptized. They are thoroughly instructed in the Catholic religion before being baptized.

A school for Indian boys has recently been started in Yankton by Bishop Marty. A beginning was made with thirty nine boys. Probably, on the 1st of July, the number will be increased to fifty at least.

Cities have sprung up in quick succession over a large portion of Dakota, and as fast as possible churches have been built. The bishop lives at Yankton. It is a mistake in Sadler's Catholic Directory to place him at Jamestown. There are several churches in Yankton County. Quite a number of Catholics have settled in this county during the past year, as they found land good, near to a church and market, at from eight to twelve dollars per acre, which they considered far better than to go a long distance west and take their chances in the growth and settlement of the country, whether they should be near a church.

Clay and Union counties, also in the extreme southern part of the territory, are well supplied with priests and churches. Bon Homme County, adjoining Yankton on the west, has several churches. There is a large settlement of Bohemians on the borders of this and Yankton counties with a resident priest. There are also resident priests at Mitchell and Bridgewater on the line of the Milwaukee Railroad. These attend the other villages on that line, in most of which churches are already erected.

At Sioux Falls is a beautiful brick church, where a very energetic priest lives. At Montrose is another church and priest. These two attend the other missions in their part of the country. North of this is the Southern Minnesota branch of the Milwaukee road. Father Flynn lives at Madison, and Father Aern at Miner, and attend all other places on this road. Twenty five miles north runs the Northwestern Railroad from east to west. Priests are stationed at Huron, Elkton, DeSmet and Pierre. Again north we meet another branch of the Northwestern from Watertown to Redfield and on to Gettysburg, with more priests in its principal towns. Then comes the Hastings & Dakota from Big Stone to Aberdeen and beyond, which is fairly well supplied, though most of it is only quite recently settled and is now rapidly filling up. We then reach the Northern Pacific and find a priest at Fargo, Jamestown, Bismarck and Mandan, besides a number who are not on the railroad mentioned. Farther north we have the best church in the territory at Grand Forks, while the Red River country is well supplied with churches and priests. In the Black Hills we have three priests, at Deadwood, Rapid City and Lead.

Although we have not a sufficient number of priests, and large congregations which should have resident priests are only attended, nevertheless the spiritual wants of the Dakota people are pretty well attended to. While land is very cheap we are securing good locations for church buildings all over the territory. Congregations are forming, churches are building,

and everything is assuming an orderly condition in all parts. We have religious brothers assisting in teaching the Indians. The Grey Nuns of Montreal are in the territory at Devil's Lake. The Presentation Nuns are at Fargo. The Ursuline Nuns are at Grand Forks. The Benedictine Sisters are at Standing Rock, Bismarck and Yankton. The Holy Cross Sisters are in the Black Hills, and the Sisters of Sainte Agnes are at Yankton. In all these places are good schools. Wherever a few Catholic families are settled they can have mass and the services of a priest. They have only to notify the bishop or their nearest priest and their wants will be attended to. They cannot settle outside of the range of priests. It will not be long before Dakota will be a good home for Catholics. A great many people come into Dakota poor, but the soil is rich and the opportunities of making a good living are many.

#### EVANGELISTS AT BIG STONE

The Dakota Conference of the Evangelical Association was organized at Big Stone City, Grant County, May 9, 1884, under the auspices of Bishop R. Dubs, D. D., of Cleveland, Ohio.

The conference was divided into two presiding elder districts known as the Yankton and Fargo districts, the first being under the direction of Rev. A. Knebel, P. E., and the latter under Rev. A. Huelster as the leader. A hearty welcome was extended to the conference by a committee of citizens of Big Stone, to which the conference before adjournment replied by adopting the resolution hereto appended:

Whereas, A very hearty welcome has been extended to us as a conference by the citizens of Big Stone City, therefore be it

Resolved, That the welcome of the inhabitants of Big Stone City is highly appreciated by this conference; that we listened to the speeches with great delight; that we accept their kind offer of a pleasure ride upon the clear waters of Big Stone Lake, surrounded by its romantic and beautiful sceneries; and that we invoke the choicest blessings of God upon the people of Big Stone for the hearty welcome and kind hospitality we have received at their hands. God bless you, ye citizens of Big Stone City.

The clergymen appointed to have charge at the different stations in the territory were the following:

Yankton District—A. Knebel, presiding elder. At Yankton, F. G. Sahr. Scotland, G. W. Hielseher. Big Stone City and Milbank, O. Knederling and one to be supplied. Aberdeen, J. Fandrey. Frankfort, S. Hoy. Elkton, H. Loewen. Yorktown, F. F. Meyer. Sioux Falls, Ph. Laux. Centerville, F. C. Jenney. Madison, A. Berreth. Hand, W. Bates.

Fargo District—A. Huelster, presiding elder. Casselton, W. Fritz. Fargo, L. S. Koch. Wahpeton, C. Oerth and H. Oerth. Tower City, W. Suchow. Jamestown, W. Tesch. Grand Forks, W. Blanchard. Crookston, R. Teichmann.

These itinerants as they were called were recommended as strong and healthy men having the will, meeting the demands of a Dakota clime, and filled with a love of God, yearning for the salvation of their fellowmen. Casselton, Cass County, was selected as the place for holding the conference in 1885.

#### THE OUTPUT OF THE FARMS

There was prosperity for the Dakota farmer in the harvest of 1884. Prices were what were termed low, but the yields in field and herd were fully up to the standard. In some instances the quality of staple products was below the average. A great deal of the farming was done by "tenderfeet," and their lack of agricultural knowledge was reflected in the product. As has been stated elsewhere, there had not been anything like the immigration during the year that Dakotans had been accustomed to for several years, but the acreage of planted ground in the territory showed a large increase over previous years. As Dakota had become something of a wonderland in all America and was furnishing the country with its most interesting intelligence concerning the activities of the human race almost, and as it was likewise the garden spot of the Agricultural Department of the United States, whose reports had been growing in interest to



the people of the country in proportion to the care and *complaints* of the Dakota department, much of value was given out to the public through this official channel. The month of August is regarded as the most reliable period for gauging the quality, extent and amount of the several staple products, and the report for that month in 1884 was exceptionally favorable, having but one *thaw* feature and that was caused by the low market prices. But it had been observed that the general prosperity was in a much healthier condition with an *alarm* of the necessities of life at reasonable prices than a scarcity of those commodities and high prices. The shadow on the harvest caused by very reasonable prices had a silver lining. In Dakota the month of August brought some heavy rains which interfered somewhat with harvesting work in the southern portion, but still there was little damage inflicted. In the northern counties harvesting was not completed. In Walsh County harvesting did not begin until the last week of the month but the crop turned out one of the best the Red River Valley had produced for four years. Some alarm was created by a report that there was considerable smut in the wheat. Until 1883 no complaint was made of injury to wheat from smut in Dakota, but in 1884 it became a subject of frequent comment. It was observed more particularly in the soft varieties. As all wheat in which smut was discovered was graded as No. 3, the loss to the farmers in a section where the injury was widely prevalent would amount in the aggregate to an immense sum, hence the utmost precautions were taken to prevent it, but poor seed, first, and an excess of moisture at an unseasonable time, combined, had been inimical to an otherwise bountiful crop of wheat in 1884.

It was insisted upon by the department that as much care should be taken in selecting seed wheat as in selecting animals for breeding purposes. Some of the new colonies which had immigrated to the territory direct from Europe and Asia by repeatedly planting a poor quality of seed wheat had deteriorated the product of their fields until it was unmarketable. Stutsman County had unusually fine crops, and the small grain crops of the northern counties averaged higher than those of the southern portion. In 1883 this partiality favored the south. Threshing in 1884 was under full headway in the southern counties during the first week of September, and was just beginning north. The yield generally in the south did not meet the expectation of the farmers but the quality was superior to that of 1883. The prevailing low prices had determined the farmers not to market their wheat, unless they were obliged to in order to meet pressing obligations.

The yield of corn was one of the most satisfactory ever produced in the territory, and a large acreage had been devoted to it in the south. Potatoes had been neglected owing to the low prices prevailing for the old crop. It was observed that the first seed planted in new soil gave remarkably large yields of fine tubers. It was not a "potato year" however, due to dry spells when moisture was most needed.

Regarding hay there was an abundant crop of blue joint and other native prairie grasses. It was remarked that in the valleys of the Missouri, Big Sioux, Vermillion, James or Dakota rivers hay can be put in the stack at a cost of 75 cents per ton. The flax crop had become an important one and two million bushels was the estimate for the territory, largely in the central counties. The price paid at the elevators varied from one dollar to one dollar and ten cents, and was satisfactory to the producer.

There had been an increase of 20 per cent in the number of hogs, and these animals were selling at a profitable figure, notwithstanding the low price of grain used in preparing them for market.

Cattle were in a healthy condition. There were no reports of pneumonia. The average condition of crops at the close of harvest was the highest of any year since the territory was settled, and was given as follows, 100 being the highest that could be attained: Corn, 93 per cent; wheat when harvested, 96; rye, 94; oats, 97; barley, 90; buckwheat, 94; potatoes, Irish, 94; flax, 93.



## ADDITIONAL JUDGES

Congress made a further addition to the associate justices of the Supreme Court of Dakota by an act approved July 4, 1884, declaring that thereafter the Supreme Court should consist of a chief justice and five associate justices, any five of whom should constitute a quorum. The territory was divided into six judicial districts, and until changed by the Legislative Assembly of the territory, the Fifth District shall consist of the following counties, namely:

Brookings, Kingsbury, Beadle, Deuel, Hamlin, Grant, Codington, Clark, Day, Spink, Brown, Hand, Hyde, Hughes, Sully, Edmunds, Faulk, McPherson, Potter, Campbell, Roberts and Walworth, and the Sisseton and Wahpeton Indian reservation; and the Second District and the Fourth District shall consist of the remainder of the territory, which now constitutes said Second District and the Fourth District, respectively, as defined by the statutes of said territory.

That until changed by the Legislature of said territory, the Sixth District shall consist of the following counties, namely:

Bowman, Villard, Billings, Dunn, McKenzie, Allred, Buford, Flannery, Wallace, Mountrail, Williams, Stark, Hettinger, Morton, Mercer, McLean, Stevens, Renville, Wynn, Bottineau, McHenry, Sheridan, Burleigh, Emmons, McIntosh, Logan, Kidder, Wells, DeSmet, Rolette, Towner, Benson, Foster, Stutsman, La Moure, Dickey, Griggs, Steele and Barnes.

The additional justices to be appointed were assigned to the Fifth and Sixth districts, but the District Court for the Fifth District had no jurisdiction to try and determine any cause in which the United States was a party. This was not the case with the Sixth District which was clothed with jurisdiction to hear and determine all matters and causes that the court of any district in the territory possesses. And it was provided that two terms of said court were to be held annually in the City of Bismarck, and a grand and petit jury summoned therein in the manner provided by law in the United States courts in said territory.

## COUNTY ORGANIZATION

There was much public complaint during Governor Ordway's term of delay in county organization. The governor was privileged by the territorial law to appoint the county commissioners for a new county, and it was made his duty to do this upon receiving a petition from fifty legal voters of the county requesting organization. There was never more occasion for prompt action in these matters than during Ordway's term, when unorganized counties were receiving in many cases as many as fifty new settlers within a week during the immigration season, and a county organization was not only of great value to them in various ways but absolutely necessary for the peace and safety of the inhabitants and the transaction of important business affairs. Governor Ordway had a custom of holding up these petitions on various pretexts.

One method employed by the governor in organizing the new counties was regarded with much disfavor and possibly with suspicion, and was not sanctioned by the letter of the law. In 1883 just prior to going to Washington he sent to the secretary's office for record the customary notices that he had appointed the commissioners for a number of new counties, and so far as the record told the story the counties were organized. In all, or nearly all the cases, as it transpired, he had not sent the commissions appointing the county commissioners to the persons selected but to his son at Bismarck or Pierre, whom it was presumed knew why they were sent through his hands. There were two other parties connected with the governor's son in these matters, one a Mr. Tebbetts, and it appears that the commissions were taken by one of the trio to the county or counties, but not delivered to the parties named until certain assurances were given regarding the location of the temporary county seat, a prerogative belonging to a new board of county commissioners in newly organized counties. When the assurances were satisfactory, or made so, the commissions were handed out. Some very scandalous stories were printed in the county newspapers at the time regarding these transactions.

In having these appointments recorded the governor could forestall any action on the same cases by the acting governor during his absence. On this occasion his visit to Washington was presumed to be urgent, and it was said that it had to do with securing the appointment of the right kind of a man to succeed Judge Kidder, deceased. The right kind of a man in this case was one who would stand with Ordway when the Supreme Court came to pass upon the capital commission case. C. S. Palmer, of Vermont, who then held the office of assistant United States attorney in Dakota, was appointed, and it was claimed that the appointment was satisfactory to the governor.

Quite a scandalous report was current in 1881 and later, that had had for its subject the organization of Douglas County. Douglas County embraced a territory lying adjacent to the Yankton Indian Reservation and for that reason had been for many years avoided by the immigrant, who, as a rule, was prejudiced against the native American or the aboriginal American rather, as a neighbor, so that while north, south and east of Douglas, thousands of new settlers had located and opened farms, the lands of this county remained largely tenantless, and it was not until 1881 that certain bold and possibly reckless spirits ventured upon its fertile soil, and began the work of settlement and county organization in a manner that awakened much interest mingled with surprise and indignation, when the character and volume of their enterprising proceedings became publicly known. While these proceedings involved the integrity of the governor to some extent, and became mingled with the conflict which existed between the governor and the delegate to Congress, wherein it was charged that his excellency had endeavored to use the earliest organization to strengthen his political fences, it was the reckless extravagance of the earlier Ordway organization that interested the public. The whole affair was subsequently ventilated in the courts, and two years elapsed before it was finally composed. A concise history of the case is presented in the following preamble and resolution adopted by the board of county commissioners of the second organization which the governor made in 1882, based upon the opinion of United States Attorney Campbell, who had been from the organization of the territory recognized as the proper official to advise the governor when called upon.

Immigration came in such increased and increasing numbers as to rapidly advance the borders of settlement. The Legislatures had never failed in their important duty of defining the boundaries, and bestowing their family names on an ample number of new counties strung along the frontier of settlement to supply the new arrivals with the necessary information regarding the breadth and length and appropriate nomenclature of their fraction of the great territory, which was as far as the lawmakers could go with the uninhabited land. The simple duty of starting the work of organization for the county was left to the governor who was authorized and required by the law to appoint county commissioners for new counties upon the petition of fifty actual settlers who were legal voters. On various pretexts, and for reasons best known to the governor and those persons directly interested, these petitions did not receive the prompt attention which their importance demanded, which gave rise to many complaints and much ill feeling on the part of the new comers, to whom the delay was a serious handicap. An organization was absolutely essential to provide for laying out and opening roads for the establishment of justices' courts, for the organization of school districts, for the construction of bridges, the recording of legal papers. The hindrances experienced became a matter of public notoriety in which the governor suffered much serious criticism, charging him with delaying the organizations for ulterior and unlawful purposes, also that he might assist in the location of county seats in which it was alleged he had an indirect interest of considerable money value.

There were six counties organized in 1880; seven in 1881; three in 1882; and twenty-six in 1883.

The provision of law under which the governor was authorized to act in the

organization of counties in force at the time, which time included the entire period of Ordway's administration and many years prior, reads as follows:

Whenever the voters of any unorganized county in this territory shall be equal to fifty or upwards, and they shall desire to have said county organized, they may petition the governor, setting forth that they have the requisite number of voters to form a county organization and request him to appoint the officers specified in the next section of this act.

Sec. 2. Whenever the voters of any unorganized county in the territory shall petition the governor, as provided in the preceding section, and the said governor shall be satisfied that such county has fifty legal voters, it shall be the duty of the governor, and he is hereby authorized to appoint three persons, residents thereof, county commissioners for such county, who shall hold their office until the first general election thereafter, and until their successors shall be elected and qualified.

The law then authorizes the county commissioners to appoint all the other county officers, and to locate the county seat temporarily, which location may be changed or affirmed by the voters at the next succeeding general election, when all the officers of the county are to be elected.

As will be seen, the governor's authority extended only to the appointment of the three persons to be county commissioners. Very properly this exhausted his authority in that direction. The location of the county seat was a matter entirely foreign to his official duties, but his officious interference therewith caused a great deal of scandal, and must have been a serious detriment to the progress and prosperity and peace of the new communities.

These county seat transactions in connection with the organization of new counties became so notoriously scandalous through publicity given to the affidavits made by parties who had been required to pay money and valuable lands in return for the appointment of county commissioners who would favor their selection for county seat, that the attention of the law department of the Government at Washington was directed to it in such a manner that it must have instructed the United States attorney of Dakota to have the matters investigated by a United States grand jury, and in the spring of 1884 rumor was busy with the report that the grand jury convened for the Second Judicial District, which included nearly all of Southern Dakota east of the Missouri River, and which met at Yankton, was considering testimony in these county seat cases. Governor Ordway, himself, in some of his newspaper interviews had admitted that his acts were to be inquired into, and the following telegraphic correspondence which was published in the newspapers in April confirmed the reports. The first note is a copy of a telegram from Ordway to Attorney General Campbell as follows:

Bismarck, Dakota, April 17, 1884.

To Hugh J. Campbell, U. S. Attorney, Yankton, Dakota Territory.

I am advised by Attorney General Brewster that you have been directed to give a full and impartial hearing upon matters before the grand jury affecting my executive action. I, therefore, for the fourth time, request that you delay final action upon matters pertaining to my executive acts and allow me to be heard with the executive record before the grand jury now in session at Yankton. I also request that a subpoena be sent for Wm. B. Tebbetts, to Bennington, Vermont, if he has not appeared.

N. G. ORDWAY, Governor.

United States Attorney Campbell returned the following reply by telegraph to the communication of the governor:

Yankton, Dakota Territory, April 18, 1884.

Governor Ordway, Bismarck, Dakota Territory.

Replying to your telegram of April 17th, your request to me to summon you before the grand jury as a witness on your own behalf, as to matters in which your own acts are being inquired into, is now made for the first time, and not the fourth, as you state. Your former requests were to be summoned as a witness, not in your own behalf, but against Mr. Crennan, on the charge of forging a territorial commission. That request I declined, because I could find no law making that act an offense against the United States laws. Your present request to be summoned as a witness before the grand jury as to matters in which you yourself are defendant, is not in my power to grant, because it is contrary to law. In no case in the United States courts is it legal to summons defendants as witnesses in their own behalf.



The attorney general's direction that I should give the matters inquired into a full and impartial hearing has been fully obeyed. All the witnesses put forward for yourself have been summoned, and all have appeared and testified except Tebbetts, who up to this time has not been found though process has been in the hands of the marshal for him for weeks and every effort made to find him. If he appears before the grand jury is discharged he shall be heard.

I have submitted my view of the law as above stated to the court, who alone has the right to direct me on such matters.

HUGH J. CAMPBELL, U. S. Attorney.

Governor Ordway was indicted by this grand jury for criminal practice connected with the Faulk County organization. In his newspaper interview at St. Paul at this time he was quoted as saying that he had "no doubt he had been indicted by the present grand jury at Yankton, as it was constituted for that purpose." Gen. Harrison Allen was United States marshal at this time and had summoned the grand jurors. He resided at Fargo, and was personally and politically friendly to Governor Ordway. He would not have been a party to constituting a jury for his indictment.

It might have been supposed that the governor would now take advantage of this opportunity to have the criminal charges laid against him investigated by a competent court, and his innocence proven. The sequel proves that he escaped from the legal net by a process much easier and more simple, under the guidance of some of the ablest criminal lawyers in the country.

The Mr. William B. Tebbetts who had been sought for as a witness for weeks had some time before left Dakota, and it is claimed that his departure was caused by a desire to avoid appearing as a witness in any litigation growing out of the county seat locations. Prior to coming to Dakota he had been associated with the governor's son in business in Denver.

United States Attorney Campbell had been investigated officially during 1884 by the Department of Justice, on complaint of Governor Ordway charging him with many acts of wrongdoing in his official capacity, and particularly charging that Campbell had been actuated by malicious motives in the matter of Ordway's indictment by a United States grand jury for corrupt and criminal practices in connection with the organization of new counties. The investigation of Campbell failed to justify the accusation, and in order to show that he acted simply in accordance with the law and evidence which was presented to the grand jury, Campbell found it necessary to produce a transcript of the evidence before the grand jury upon which their action was based. And later the entire matter was put in form for publication. Concerning the basis for the indictment, Campbell states the facts that were developed by the testimony, with the comment that they would be found sufficient to justify an indictment in any court in this country, namely: (During the progress of these proceedings, Ordway's term expired and he was succeeded by Pierce.)

The facts were these—Governor Ordway was entrusted by law with the organization of new counties. The County of Faulk had for over a year the legal number of inhabitants entitling them to an organization.

These inhabitants had during that time made repeated applications in the legal manner to the governor for such organization. Upon these applications he had neglected or refused to act for over a year. Finally about a year after the first application, a young man named Tebbetts, a former partner of Ordway's son, and an acquaintance of Ordway, suddenly appeared in Faulk County, where he did not reside, and gave notice to the people that he was there to inquire into the facts relating to their demand for an organization.

It appears also from the evidence before the grand jury, that he gave those people to understand that he had influence with Ordway, and that upon his report, if favorable, an organization would be made.

It appears further, that the members of the two town-site companies, rivals for the county seat of that county, upon the strength of his representations, made up a fund of land and of money, which they offered to Tebbetts to procure for them an organization favorable to their towns as county seats.

That he (Tebbetts) finally accepted the offer of LaFoon Townsite Company, which was 440 acres of land valued at \$10 an acre, and half of the townsite of LaFoon, and some money. That the land was deeded by the members of the Townsite Company, first to Tebbetts, then



to Miller, in trust for Tebbetts, and by Miller to Tebbetts, and that it was the understanding with these men who thus deeded their lands that it was for the purpose of influencing Governor Ordway in his action.

And that almost as soon as the deeds were made to Tebbetts, or as soon thereafter as he could have an interview with Ordway, Tebbetts did procure from Ordway, and Ordway did make the organization as requested by the LaFoon Townsite Company.

The evidence was also relative to other counties and county seats, that similar methods were used by Ordway in their organization. This testimony was competent as going to motive, guilty knowledge, and showing the system of operation. (See Wharton on Evidence.)

Now the question is, whether the grand jury was justified in finding an indictment upon this state of facts, and whether in presenting this testimony to the grand jury I could properly be chargeable with malice. My answer is, that if the facts submitted to the grand jury convinced them in their judgment that there was corrupt action on the part of the governor in this matter, then that finding of theirs relieves me thoroughly and completely from any charge of malice or improper action in bringing before them the testimony.

Concerning the action of the court in quashing the indictment against Ordway on the ground that his acts as governor could not be inquired into by a grand jury, Campbell contended before Judge Edgerton, who heard the case and granted the motion to quash, that the act of asking or receiving a bribe for the performance of some act under the territorial law, was not an act performed by virtue of the territorial law. The act of being bribed was separate and distinct from any act he did in the organization of the county. And the language of the statute is "with intent to have his decision or action on any question, matter, cause or proceeding which may at any time be pending or brought by law before him in his official capacity, influenced thereby." So that if the indictment alleged that Ordway did ask or receive a bribe with intent to have his decision or action influenced thereby, upon any matter which was pending before him, or brought before him by any law, in his official capacity, the indictment was good and the United States court had jurisdiction of the matter.

I state further that in my whole experience of eight years in this territory, there has been no case brought before me in which there has been such a universal demand and outcry for investigation, from all classes of the community, and from the best men in it, as in this case.

Further, I solemnly add, that in my judgment the demoralization and corrupting influences which have flowed from the prevalent belief in the corruption and fraudulent action of Ordway in this and other official matters, have exceeded that which has flowed from all other causes combined during that period.

And I further state that I was governed in my action, by a most serious and profound conviction, that unless some judicial investigation was made of these charges, there was the gravest danger that the tide of corruption and bribery which seems to have been let loose over the territory by these examples in high quarters, would sweep everything before it, and reach and imperil the administration of justice in the courts themselves.

I add further, as to the dismissal of the indictment by the court that Judge Edgerton informs me that he has stated to the examiners, and will I think, so state in writing if asked, that he was, and is, in grave doubt, as to the questions of law raised by Ordway's counsel, and gave the defendant Ordway the benefit of the doubt.

The trial or proceedings upon the trial of the governor indicted by the United States grand jury for corruption and bribery in connection with the organization of Faulk County took place at Yankton on the 13th of June, 1884, before Chief Justice Edgerton. Governor Ordway had for his counsel, Gov. C. K. Davis, of St. Paul, Minn., Hon. I. W. Lansing, of Detroit, Mich., ex-Chief Justice Shannon, of Yankton, and Col. W. H. Parker, of Deadwood. It was an able and formidable array of counsel, all experienced criminal lawyers, and an interesting contest was promised. The prosecution, which was by the Government, was in charge of the United States attorney, Gen. Hugh J. Campbell.

Governor Davis after the indictment was read, opened the proceedings with a motion to quash the indictment upon the ground that the grand jury had no jurisdiction over the defendant, Ordway, that under the law men occupying the position of governor were not indictable for offenses committed within the jurisdiction of their official duties—that no matter how guilty the defendant might be in the direction charged, he could not be punished by a court, and could only be punished by removal from office by the President—that the governor in being convicted and sentenced for this offense would be removed from office by such conviction and sentence, and that such removal was contrary to the law, which provided that only the power which appointed could remove. In the states governors were punished by impeachment in cases of this nature, and in the territories by removal from office.

The argument of the prosecuting attorney held that the removal from office would be no adequate punishment for a flagrant offense of the character alleged against the governor, and that justice demanded that he should, if guilty, be required to pay the penalty of his offense just the same as other persons who had wrongfully possessed themselves of the property of other people.

After the arguments the presiding judge took the case under advisement, and later the same evening granted the motion to quash the indictment on the theory that a grand jury has no jurisdiction over the transactions of a territorial executive when conducted as a part of his official duties.

Had the governor been mindful of his reputation, which he frequently declared was without stain of corruption, he might have insisted upon a trial in order to prove by valid testimony that he had been unjustly accused, and it was most astonishing that he avoided an investigation of his complicity and perjury upon the plea that the offenses committed by the governor in the line of his official duties were not within the jurisdiction of the courts of the territory, but could only be reached by impeachment by Congress and removal from office. A friendly judge sustained this view of the case and the distinguished county seat manipulator who by virtue of his high office was declared immune from the lawful consequences as applied to non-commissioned thousands of settlers who had been despoiled of their rights and property and lawful privileges, and who, had they been found guilty of the criminal practices such as were charged against the governor, would have been deprived of their liberty, mulcted with heavy fine and sent "over the road." They would have been all allowed to escape trial by pleading "guilty but immune."

Governor Ordway's administration was not creditable to his intelligence, saying nothing of his other qualities. The Missouri River, one of the great navigable waterways of the world, coursed a thousand miles through Dakota, and about all that the governor seemed to know about it was that it was wet and muddy. Its importance as a navigable highway, which had enlisted the earnest attention of Thomas Jefferson, and later Senator Benton, and had become an enterprise that was engaging the earnest attention not alone of enterprising Dakotans but of the state and congressional officials of half a dozen great states, and was being promoted by thousands of the public spirited business men of these states as well as those of Dakota. This grand national project, nor the annual destruction of millions of acres of our most valuable farming lands did not appeal to him. There was no political patronage in it for him. He gave no attention to the public land question. The vast and valuable resources of the territory did not obtrude their importance upon his leisure hours as worthy of study and publicity. His mind was absorbed in such grave and momentous problems as to the best method to "down Pettigrew," influence the appointment of Federal officials in his own interests, and remove the capital to some point where he could have a proprietary access to the acres upon which it was located.

Beginning with a people ready and anxious to stand with him and back of him in all laudable efforts to promote the welfare of Dakota and hasten the development of its resources he forfeited their respect and confidence by pursuing a thoroughly selfish policy that looked to the aggrandizement of but one person, and that himself. Bessetting greed cost him the support and confidence of the people. His career as governor was constantly on the declining scale. Those who conceived an early dislike for him were most gratified as the months slipped away drawing to their ranks new recruits until there were few left to recruit from except such as could profit from his partiality and purchased favor, not shown them from any laudable motive to benefit them or serve the people, but because they were the subservient human implements he needed in his efforts to build up an Ordway dynasty. His administration was devoid of anything that could commend it. Its progress in religion, morals, education, and material welfare, in immigration and development was remarkable and substantial, but one looks in vain to find him engaged in anything but petty intrigue

in the organization of counties, or to thwart the desire of the people for a division of the territory. His administration was intensely personal and selfish—to enrich and promote the fortunes of himself and members of his family.

He did little for Dakota except to stir up strife and spread abroad scandalous reports regarding the integrity of the people. He started banks where he could make gains from the industries of the people, and share in the heavy deposits from the territorial treasury, but it is not known that he made two blades of grass to grow where but one grew before. He had no aspirations in that direction. He preferred to grovel in the dark, looking for some evil indications that would make a sensation when revealed by him through his frequent newspaper interviews which became a settled feature of his administration. And if he could gain his point in no other way, he would manufacture a straw evil and then proceed to demolish it in his plausible manner. He was not a brave man, and was harassed by a suspicion that harm would come to his person in certain sections of the territory unless he was escorted and guarded by men of notorious personal courage.

Ex-Governor Ordway returned to Washington after his discharge in the matter of Faulk County, and reported there that he had made arrangements for the organization of a very strong land, loan and trust company in Dakota with branch offices in Washington and New England, through which he intended to push the building of the connecting links in the North and South Dakota railway lines.

Dakota at this time had a population of over four hundred thousand, and probably eighty thousand claim holders, the majority of them, possibly the great majority, poor men in worldly wealth, which condition made the Dakota field an inviting one for the loaners of money upon real estate, and particularly farm lands, as security, and under these conditions were sown the seeds of misfortune to a multitude of these claim holders, who found the opportunity thrust into their hands, without any effort on their part, to borrow a small sum of money to tide them over a more or less "hard-up" period, or with the purpose of improving their claims. These loan companies multiplied until every little hamlet had one or more of their representatives, and mortgages were made so rapidly that the recorders of deeds had their records printed upon established forms, to facilitate the work of recording the mortgage papers.

Buffalo County was the only unorganized county in Dakota south of the forty-sixth parallel at the close of the year 1884. This refers to counties upon the ceded domain and subject to the legal jurisdiction of Dakota. It was one of the oldest counties, had been twice organized and at one time its northern boundary extended beyond the Northern Pacific Railroad and south to Brule County. Bismarck (or Edmonton) was located in Buffalo County, and its first elections were held under its authority. The heart of the vast county consisted of the rich Crow Creek country, and was claimed by the Indians (Yanktonnais Sioux) as the Crow Creek Reservation. In the legislative progress of the territory, and to meet the demands of immigration, the original county was shorn of its vast and unwieldy proportions until little was left of it except the claimed Indian reservations, and this was permitted to retain the ancestral name of Buffalo. But there were only twelve full townships and three fractional townships left within its shrunken boundaries, and all of these save five were included within the Indian lands. The five townships did not furnish sufficient taxable property to maintain a county organization, and Buffalo was compelled to retire from the ranks, allow its organization a period of desuetude until the reservation domain, which was then in a tangle as to ownership, should come under the lawful jurisdiction of Buffalo County. In the meantime the county would contract no liabilities, and would lose nothing material except the fertile acres which crumbled and fell into the Missouri River each year as the result of the erosive action of its flood waters. The county finally came into its own about the time that statehood came to the old territory.



The democrats throughout the territory made the welkin ring with their triumphant huzzahs following the national election in 1884. To many of the young men it was the first democratic victory they had any recollection of, and one of their favorite marching chants was this:

Grover, Grover  
Election now is over,  
Out they go (referring to republican office holders),  
In we go.  
Then we'll be in clover.

#### RAILROADS

In the spring of 1884 the railroads entering Dakota put on extra trains to accommodate the large moving class who were leaving the older settled sections in the East and making their new homes on Dakota soil. This addition to the facilities of the railways did not indicate the increase of population more rapidly than before, for in fact it was thought to be falling off to some extent, but the competition for Dakota travel had awakened the enterprise of our common carriers, and this special improvement, affording more comforts to the family than the mixed trains, was the commendable result.

There was little railroad building in Dakota in the year 1884. The opening of the Fargo Southern gave the Milwaukee a line from Sioux City to Northern Dakota. The Burlington, Cedar Rapids & Northern reached Watertown in the fall and was projected to Aberdeen. The Milwaukee completed its line from Scotland to Mitchell, giving it a continuous road up the James Valley to Jamestown. Neither the Northwestern, nor the Milwaukee, intended to build any new road in the territory during the year, but it was conjectured that the coming into the Dakota field of the Rock Island and the Minneapolis & St. Louis would stimulate some branch lines and extension construction in 1885.

A daily stage and freight line company began operations between Medora, in Billings County, on the Northern Pacific Railroad, and Deadwood in August, 1884. The distance was 160 miles and the stage schedule was thirty hours between terminal points. The Northern Pacific was, conjecturally, the principal promoter of the enterprise.

The Fargo & Southern Railroad was completed and opened for traffic from Fargo to Ortonville, on the Minnesota State line, at its intersection with the Chicago, Milwaukee & St. Paul, in September, 1884. This line furnished the connecting link between the extreme southern boundary and the extreme northern boundary of the territory—from Sioux City via Yankton, Mitchell, Redfield and Aberdeen, thence to Ortonville, and thence to Fargo and on to Winnipeg.

The railway business into and through Dakota had become of such volume in 1883-84 that the railways found considerable difficulty in handling it. Frequent complaints of a shortage of rolling stock were made; elevator people complained that they could not get cars to relieve the overcrowded condition of storage capacity, and as a result they were compelled to refuse the grain coming in from the farms, which greatly exasperated the farmers. It did not appear that blame could be attached to any party for this condition—it was simply a case of too much prosperity for the time being. At Fargo, on the 13th of April, 1884, 173 cars of general freight went west, 100 empty cars were sent to various points, and 503 loaded and empty cars were standing in the railroad yards. One hundred and forty-two cars loaded with freight and merchandise were received. At the same time there were 345 cars of general freight in the Fargo yards, consigned to Fargo merchants.

The unfinished work of construction on the James River Valley Railroad between Jamestown and LaMoure, a distance of fifty miles, was completed in 1884.

The Town of Wakonda, Clay County, was the new station on the Centreville-Yankton branch of the Northwestern Railroad, laid out in 1884, twelve miles



from Yankton. Its site occupied the summit between the terminal points of the railroad, and was therefore assured of excellent drainage for all time.

#### ORGANIZING THE G. A. R. DEPARTMENT OF DAKOTA

The Grand Army of the Republic for the Department of Dakota was organized at Yankton, February 26, 1883. A provisional organization had been made the year before with Thomas S. Free, of Sioux Falls, commander; Alexander Hughes, of Elk Point, senior vice commander; W. A. Bentley, of Bismarck, junior vice commander; W. S. Potter, of Sioux Falls, assistant adjutant general; N. C. Nash, of Canton, assistant quartermaster general.

Preparations having been made for a permanent organization, Gen. Paul Van der Voort, of Nebraska, the commander-in-chief of the Grand Army, came up from Omaha to Yankton, where the representatives of the various G. A. R. posts of the territory were gathered, to institute a permanent departmental organization. The proceedings were had in the hall of Phil Kearney Post, where the following subordinate organizations were represented:

Ransom No. 6, Mitchell; Phil Kearney No. 7, Yankton; Miner No. 8, Vermillion; Stephen A. Hurlburt No. 9, Elk Point; Joe Hooker No. 10, Sioux Falls; General Lyon No. 11, Canton; Sully No. 12, Pierre; C. C. Washburn No. 13, Egan; No. 15, Scotland.

The ample ceremonial of the order was well observed in the proceedings of instituting the department organization, and the following departmental officers elected for the ensuing term:

Thomas S. Free, of Sioux Falls, commander; Alexander Hughes, of Elk Point, senior vice commander; S. M. Laird, of Pierre, junior vice commander; J. E. Snyder, of Egan, medical director; Rev. J. G. Travis, of Yankton, chaplain; W. S. Potter, of Sioux Falls, assistant adjutant general; council of administration: J. A. Wallace, Elk Point; J. E. Elson, Huron; J. L. Jolley, Vermillion; G. W. Harlan, Canton; J. M. Adams, Mitchell. S. A. Boyles, of Yankton, was chosen delegate to the national encampment which would meet at Denver, and M. B. Kent, of Elk Point, alternate. A camp fire banquet closed the meeting and the festivities.

The Northern Dakota posts were not represented and were preparing for the establishment of a separate department when the territory should be divided, an event that was confidently looked for during the Congress then in session.

The first annual encampment of the Department of Dakota, Grand Army of the Republic, met at Sioux Falls on Tuesday, April 29, 1884, at the hour of 11 o'clock A. M., in the rooms of the Leisure Hour Club. There were representatives present from twenty-seven posts, giving a membership to the encampment of over sixty. The ceremony of calling to order was conducted by Commander Thomas S. Free, and prayer was then offered by Rev. A. P. Lyon, of Sioux Falls. A committee on credentials was then appointed, consisting of W. S. Potter, of Sioux Falls, assistant adjutant general; O. N. Russell, of Canton; Capt. B. F. Payne, of Miller; E. O. Parker, of Highmore, and E. T. Cressey, of Huron. A recess was then taken until 2 P. M., when the credentials committee reported the several posts entitled to the following representation:

Kilpatrick No. 4, Huron, 7 votes, Capt. J. E. Elson, E. T. Cressey; Phil Kearney No. 7, Yankton, 7 votes, Gen. J. B. Dennis, W. H. Munroe; Miner No. 8, Vermillion, 4 votes, Col. John L. Jolley, J. R. Reede; Stephen A. Hurlburt No. 9, Elk Point, 6 votes, Capt. William Duncan, W. J. Himes; Joe Hooker No. 10, Sioux Falls, 6 votes, Capt. E. Parlman, William Beckler, L. D. Henry, A. F. Force; General Lyon No. 11, Canton, 6 votes, Capt. O. N. Russell, N. C. Nash; Canby No. 12, Miller, 4 votes, Capt. B. F. Payne, R. F. Willett, P. H. Anderson, J. H. Snoddy; C. C. Washburn No. 15, Egan, 5 votes, E. Anderson, R. Brennan, J. H. Eno, George R. Lanning, James Wilson; Carlton No. 17,

Parker, 4 votes, T. W. Gage; Colonel Ellsworth No. 21, Leavenworth, 4 votes, O. D. Gray, J. Johnson; Gen. James Shields No. 22, Madison, 3 votes, John Huntamer, R. C. McCallister; Burnside No. 24, Cavour, 3 votes, Maj. H. G. Wolfe, James Connelly; Sedgwick No. 26, Salem, O. C. Potter; Gen. John A. Rawlins No. 27, Plankinton, C. S. Deering, M. T. Locke; John A. Dix No. 30, Highmore, 4 votes, Edson O. Parker; Edward S. McCook No. 31, Hurley, 4 votes, Dan Dwyer, T. B. Buchanan; McKenzie No. 34, Chamberlain, 5 votes, Maj. R. H. Hendershott, J. F. Sisson, Capt. W. V. Lucas, E. W. Spaulding; Anson McCook No. 36, Centerville, 4 votes, O. D. Hinckley, J. B. Leak; Baker No. 39, Lake Preston, 3 votes, E. E. Needham; Gordon Granger No. 43, Alexandria, 3 votes, A. R. Brown; John F. Reynolds No. 44, Fargo, 1 vote, I. E. West; General Wadsworth No. 50, Flandrau, C. W. Tobin.

Commander Free submitted his annual report, a most admirable document, setting forth the purposes of the order, its encouraging growth in Dakota and the necessities that confront the encampment. This annual report was referred to a committee consisting of I. E. West, Col. J. L. Jolley, R. C. McCallister, Capt. B. F. Payne and R. M. Hawley.

Assistant Adjutant General Potter submitted his annual report, showing the following facts:

February 27, 1884, the department was organized, including thirteen provisional posts numbering 240 members. At this date there are sixty-two posts, numbering 2,000 members. The increase in the number of posts has been 500 per cent and 800 per cent in the number of membership, an increase the most remarkable in the history of the order, the significance of which is most complimentary to the commander and adjutant general, when it is remembered that the department commenced without a cent in the treasury, they furnishing the funds. There have been issued ten general orders, three circular letters, and forty-three special orders. There have been promulgated twenty general orders from national headquarters. The labors of the office are also indicated by the fact that there have been 300 letters written, and the same number received and filed.

The report was adopted without reference.

Quartermaster General Beckler made his report, showing the following facts:

The value of the supplies on hand, February 27th, was \$20.45, and there have been purchased since supplies amounting to \$242.27. There is permanent property on hand amounting to \$92.45. The financial statement shows the receipts of the department to have been \$660.73, and the expenditures \$783.18, leaving a deficit of \$122.45, which Commander Free and Adjutant Potter have met out of their private funds. The possession of permanent property amounting to \$92.45, leaves the deficit in current expenses only \$30.00.

This report was referred to a committee consisting of Capt. W. V. Lucas, Capt. J. H. Bridgman, Capt. William Duncan, Roger Brennan and N. C. Nash.

Maj. H. G. Wolfe, chief mustering officer, presented his report, showing that there have been forty eight new posts mustered during the year, the charter members of which numbered 981. The report was referred to L. D. Henry, W. L. Sherman, E. Anderson, T. W. Gage and A. R. Brown.

The committees to whom reports were referred reported favorably upon each.

The following officers were then elected for the ensuing year: Department commander, Maj. Thomas S. Free, of Sioux Falls; senior vice commander, Capt. W. V. Lucas, of Chamberlain; junior vice commander, Maj. R. E. Fleming, of Fargo; medical director, Dr. D. Frank Euter, of Yankton; chaplain, Rev. George A. Cressey, of Huron; council of administration, Walter L. Himes (Elk Point), N. C. Nash (Canton), G. R. Lanning (Egan), O. C. Potter (Salem), C. S. Deering (Plankinton); delegates to national encampment in June at Minneapolis, Capt. B. F. Payne (Miller), I. E. West (Fargo), R. M. Hawley (Parker); alternates, W. H. Munroe (Yankton), Roger Brennan (Egan), O. N. Russell (Canton).

The encampment was then closed.

## CHAPTER XCV

### GROVER CLEVELAND, PRESIDENT—NEW TERRITORIAL OFFICERS

1885

GROVER CLEVELAND, PRESIDENT—LEGISLATURE IN 15TH SESSION—MEMBERSHIP INCREASED TO TWENTY-FOUR COUNCILMEN AND FORTY-EIGHT REPRESENTATIVES—MESSAGE OF GOVERNOR—BILL TO REMOVE CAPITAL TO PIERRE PASSED—GOVERNOR VETOES IT—PRESIDENT CLEVELAND EXPLAINS HIS POSITION REGARDING TERRITORIAL APPOINTMENTS—LOCAL DEMOCRATIC VIEW OF THE SAME MATTER—GOVERNOR VETOES WOMAN SUFFRAGE BILL—DIVISION AND ADMISSION IN CONGRESS—LOUIS K. CHURCH APPOINTED JUDGE—OTHER APPOINTMENTS—BARTLETT TRIPP, CHIEF JUSTICE—ROOSEVELT A RANCHMAN IN DAKOTA.

The fifteenth session of the Legislature of Dakota Territory convened at Bismarck, the new capital, on Tuesday, January 13, 1885, at the new capitol building.

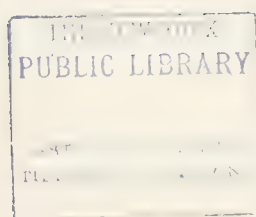
The full text of the law increasing the membership of Dakota's Legislature to double the number heretofore allowed, approved June 12, 1884, reads as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the Legislature of the Territory of Dakota shall hereafter consist of twenty-four members of the Council and forty-eight members of the House of Representatives, and that there shall be elected at the next general election in said territory, two members of the Council and four members of the House of Representatives in each of the twelve legislative districts provided for in chapter seven of the territorial statutes of 1883 of said territory.

The Council was called to order by Mr. Henderson, secretary of the Council in 1883, who called the roll. Since the last session in 1883 the membership had been doubled by act of Congress, the Council now consisting of twenty-four members and the House of fifty-two. Upon the call of the roll the following members of the Council-elect responded to their names: First District, Clay, Union and Lincoln counties—A. C. Huetson, Canton; William Duncan, Elk Point. Second District, Yankton, Hutchinson and Turner counties—J. R. Gamble, Yankton; A. S. Jones, Olivet. Third District, Bon Homme, Charles Mix, Douglas, Aurora, Jerauld, Davison, Brule, Buffalo and Hanson counties—A. M. Bowdle, Mitchell; B. R. Wagner, Springfield. Fourth District, Minnehaha, McCook and Miner counties—George E. Farmer, Howard; R. F. Pettigrew, Sioux Falls. Fifth District, Brookings, Kingsbury, Lake and Moody counties—H. H. Natwick, Brookings; W. B. Cameron, Madison. Sixth District, Hamlin, Clark, Spink, Beadle, Sanborn, Hand, Faulk, Potter, Sully, Hyde and Hughes counties—J. H. Westover, Pierre; J. P. Day, Mellette. Seventh District, Deuel, Grant, Codington, Day, Brown, Edgerton, McAuley, Inman, McPherson, Edmunds, Campbell, Roberts and Walworth counties—A. B. Smedley, Milbank; V. P. Kennedy, Columbia. Eighth District, Lawrence, Pennington, Custer, Butte and Fall River counties—F. J. Washabaugh, Deadwood; S. P. Wells, Rapid City. Ninth District, Barnes, Stutsman, Griggs, Foster, Wells, Kidder, Burleigh, Sheridan, Stevens, Renville, Montrail, Walle, Howard, Williams, Mercer,







Morton, Stark, Billings, Emmons, Logan, Benson, DeSmet, Robette, Bottineau and McHenry counties—Johnson Nickels, Jamestown; Charles H. Carlson, Valley City. Tenth District, Cass, Richland, Ransom, Sargent, Fergus and DeKey counties—D. H. Twomey, Fargo; C. D. Austin, Lisbon. Eleventh District, Grand Forks, Nelson, Traill and Steele counties—George H. Webb, Grand Forks; John Flittie, Mayville. Twelfth District, Pembina, McLean, Cavalier, Walsh, Harvey and Ramsey counties—Judson LaMoure, Pembina; P. J. McLaughlin, Pembina.

Following the roll call, prayer was offered by Rev. C. B. Austin, of Bismarck. The oath of office was then administered by Judge Francis, of Bismarck.

The caucus nominees were then elected to the several offices, to-wit: J. H. Westover, of Pierre, president of the Council; A. W. Howard, of Yankton, secretary; W. G. Eakins, assistant secretary; Andrew Thompson, of Minnehaha, sergeant at arms; Rev. C. B. Austin, of Bismarck, chaplain; M. E. Kent, of Union County, enrolling clerk; E. S. Russell, of Brown County, messenger; John Todd, of Bon Homme County, assistant sergeant at arms; D. S. Waldo, watchman; J. M. Preston, of Lake County, clerk Judiciary Committee.

After the appointment of the usual committees to wait upon the House and inform them of the organization, and to notify the governor of their readiness to receive any communication he might wish to make, the Council adjourned.

The House organized at the same time and with the like unanimity that prevailed in the Council. The organization was preceded with a prayer offered by Rev. H. Claire. The calling of the roll of members revealed the following list: [The House districts were made up of the same counties as the Council districts, to which the reader is referred.]

First District—Ole A. Helvig, Canton; John Larson, Spink Postoffice, Union County; Eli B. Dawson, Lodi, Clay County; Hans Myron, Meckling, Clay County. Second District—A. L. VanOsdel, Yankton; Hugh Langan, Centreville; J. P. Ward, Parker; J. H. Swanton, Memmo. Third District—A. J. Parshall, Alexandria; C. E. Huston, Huston, Douglas County; Mark Ward, Chamberlain; H. M. Clark, Plankinton. Fourth District—W. H. Riddell, Valley Springs; H. W. Smith, Sioux Falls; P. L. Runkle, Salem; J. M. Bayard, Canistota. Fifth District—George Rice, Flandrau; John Hobart, Egan; V. V. Barnes, DeSmet; J. C. Southwick, Denver, Kingsbury County. Sixth District—M. L. Miller, Altoona; John T. Blakemore, Highmore; George W. Pierce, Castlewood; John A. Pickler, Faulkton. Seventh District—G. H. Johnson, Columbia; F. A. Eldridge, Milbank; E. Huntington, Webster; M. T. Dewoody, Ipswich. Eighth District—H. M. Gregg, Spearfish; Eben W. Martin, Deadwood; A. L. Sprague, Custer City; A. McCall, Surgis City. Ninth District—E. A. Williams, Bismarck; H. W. Coe, Mandan; Julius Stevens, Cooperstown; W. E. Steele, Kidder County. Tenth District—S. E. Stebbins, Wahpeton; P. J. McCumber, Wahpeton; H. S. Oliver, Lisbon; T. M. Pugh, Ellendale. Eleventh District—John W. Scott, Gilly Postoffice, Grand Forks County; C. W. Morgan, Portland; W. N. Roach, Larimore; E. T. Hutchinson, Lakota. Twelfth District—H. H. Ruger, Donald Stewart, H. Strong, P. McHugh.

The House then organized by the election of the following officers: Speaker, George Rice, Moody County; chief clerk, Cassius M. Reed, Sully County; assistant clerk, J. G. Hamilton, Grand Forks County; enrolling and engrossing clerk, H. H. Pierce, of McCook County; assistant engrossing and enrolling clerk, Edward A. Smith; sergeant at arms, John A. Munro, Roberts County; messenger, W. A. Carr, Morton County; watchman, M. Flick; pages, Fred Lounsbury, of Burleigh County, and Frank Armstrong, of Beadle County.

The committees to notify the governor of the organization, and also the other legislative body, were appointed, whereupon the House adjourned until 10 o'clock the following morning.

The organization had been preceded by a caucus of the members south of the forty-sixth parallel, and the organization of both houses was then agreed upon, giving to the counties north of the forty-sixth slight recognition.

The first annual message of the new governor, Pierce, was delivered by the executive in person on Wednesday, the second day of the session, as follows:

Gentlemen of the Council and House of Representatives.

In accordance with a recognized custom I transmit herewith the reports of divers territorial officers, accompanying their statement with such suggestions and recommendations as seem to me pertinent and timely. The treasurer's report shows the finances of the territory to be in a very satisfactory condition. The receipts and expenditures for 1883 and 1884 were as follows:

#### RECEIPTS FOR 1883

Balance in treasury, December 1, 1882.....	\$ 43,463.90
From counties .....	161,342.20
From railroads, tax of 1882.....	77,603.61
From tax on telegraph companies, 1883.....	616.05
From sale of laws.....	396.00
From sale of bonds authorized for the building of various public institutions .....	214,417.71
Total .....	\$497,839.47

#### DISBURSEMENTS, 1883

From general fund.....	\$122,108.78
From construction fund, various public institutions.....	115,715.48
To counties, proportion 1882 railroad tax.....	44,857.18
Interest on bonds.....	616.05
Exchange, etc.....	244.22
Balance in treasury, November 30, 1883.....	208,852.85
Total .....	\$497,839.47

#### RECEIPTS FOR 1884

Balance in treasury, December 1, 1883.....	\$208,852.85
From counties .....	214,031.04
From railroads, tax of 1883.....	127,336.37
From telegraph companies, tax, 1884.....	738.90
From tax on insurance companies.....	10,102.23
Sale of bonds for public institutions.....	82,839.22
Bond given by citizens of Grand Forks for construction university observatory .....	2,097.00
Auditor's warrants on general fund for credit public building construction accounts.....	2,659.05
Sale of laws .....	1,207.00
Total .....	\$650,763.66

#### DISBURSEMENTS, 1884

From general fund.....	\$156,907.04
From construction fund, various public institutions.....	176,995.80
To counties, proportion 1883 railroad tax.....	79,199.83
Interest on bonds.....	18,704.25
Exchange, etc.....	289.08
Balance in treasury, November 30, 1884.....	218,667.66
Total .....	\$650,763.66

The total indebtedness of the territory is \$392,500, divided into \$100,000 in bonds bearing 5 per cent, \$292,500 in bonds bearing 6 per cent. These bonds are payable in 1901-2-3-4, or sooner, at the option of the territory, the option beginning on \$90,000 of the bonds after May 1, 1886.

The voluminous report of the territorial auditor shows transactions in detail of his office for the two years ending November 30, 1884. The total amount of the warrants issued by the auditor for the biennial period is \$572,996.04. Of this amount, \$248,305.03

were expended for the construction of public buildings, leaving the current expenses of the territory \$324,691.01 for the two years, an average of \$162,345.51 per year. The report shows 174 insurance companies doing business in the territory, of which all but three are outside corporations. The total premiums paid to these companies for the two years ending January 1, 1884, were \$1,094,157.70. Total losses paid, \$379,288.13, showing a gross profit to the companies of \$714,869.51. The tax levied on companies under the law and paid to the auditor, amounted to \$10,102.23, and the fees from April 7, 1883, to November, 1884, \$7,825.

**THE PUBLIC SCHOOLS.**—The report of the superintendent of public instruction (W. H. Beadle) makes a very interesting and encouraging exhibit of the condition of the public schools in the territory. There are eighty-five organized counties, but only sixty-five of these have made the returns required by law, the remainder being comparatively new. From the returns made the following facts and figures are gained:

Number of children, January 1, 1884, over seven and under twenty years .....	77,499
Number enrolled in public schools.....	50,031
Per cent of attendance of those enrolled.....	65
Average cost for tuition per month for pupil.....	\$2.20
Total number of teachers employed.....	2,911
Number of male teachers.....	863
Number of female teachers.....	2,048
Average pay of teachers per month, males.....	\$38.43
Average pay of teachers per month, females.....	\$31.72
Number of schools graded.....	60
Number ungraded .....	1,930
Whole number of schoolhouses.....	1,926
Sittings in schoolhouses.....	69,560
Schoolhouses built during year.....	722
Value of permanent school property.....	\$1,689,658.00
Receipts by treasurers of school corporations from April 1, 1883, to June 30, 1884.....	\$1,603,562.99
Total expenditures .....	\$1,306,878.72

This does not include sums paid to county superintendents, expended for county and territorial institutes or for the erection of the university, Agricultural College or Normal School Building. The grand total, including all expenditures for educational purposes by the territory (not private institutions) is \$1,786,676.99.

The report of the regents of the University of Dakota is incorporated in the superintendent's report and gives an exhibit of the expenditures in the building of the university and its maintenance for the past year. The regents say, "in accordance with the purposes of the act organizing this board, we have expended nearly five thousand dollars to complete the wing of the building which was partially built by Clay County. We have also erected and enclosed a main building, the walls of which are of Sioux Falls quartzite and the trimmings of stone from Stone City. The extreme size of the building is 68 by 116 feet. It is three stories with tower 111 feet 6 inches high from the grade line. It is roofed with iron shingles. Not having money to complete the second and third stories, the board ask an appropriation for the ensuing biennial term of \$59,450.00 for that and other purposes.

**THE NORTH DAKOTA UNIVERSITY.**—In a clear and comprehensive statement, the regents report what has been done and what they expect to do for that institution. The construction fund appropriated by the last Legislature, will fall about \$5,000 short of paying in full for the main building that has been erected. A further appropriation will be needed for other necessary buildings, heating apparatus, pay of president and professors, fuel and janitor's services, the amount of which will have to be ascertained later. The building which has been completed is 150 by 54 feet, three stories and a basement, and I am told is admirably adapted for its purpose. An observatory 22.9 by 15.8 has been constructed in fulfillment of the bond given to the territory.

**THE AGRICULTURAL COLLEGE.**—The trustees of the Agricultural College at Brookings are required under the law to report directly to the Legislature. I am informed that the institution has opened under flattering auspices. A building 60 by 80 feet, three stories and a basement in height has been erected, which when entirely finished will accommodate 300 pupils. School was opened in September last.

**THE NORMAL SCHOOLS.**—No report has been received from the Normal School at Madison or at Spearfish. The building of the Madison school is of frame, two stories high, 70 by 50 feet, with a side projection for entrance. It is planned to enclose the structure with brick. It will accommodate 200 students. There were fifty-four in attendance last term.

The Spearfish school building is of brick, 45 by 30 feet, two stories high. Three terms of the school have been held.

**THE DEAF AND DUMB SCHOOL.**—The Deaf Mute School at Sioux Falls has an attractive site, and the new building provided for by the last Legislature has been completed and



occupied. No communication has been received from the governing board. It is 57 by 99 feet on the ground, and two stories and a basement, with pressed brick trimmings. There is an attendance of thirty-one, and the superintendent has the names of over eighty additional deaf mutes now resident in the territory. The management suggest the desirability of constructing an additional building.

**PENITENTIARIES.**—The report of the directors of the penitentiary at Sioux Falls shows the following.

Total receipts from January 1, 1883, to November 29, 1884.....	\$87,547.00
Total expenditures for same period.....	\$86,598.70
Average number of prisoners for 1883.....	45
Average number of prisoners for 1884.....	74
Average cost for maintenance for all persons per week (including officers) for 1883.....	\$1.60
Same for 1884.....	\$1.30
Average cost of caring for prisoners per week, including all expenses except pay of officers, for 1883, per prisoner.....	\$3.00
Average cost per week, per prisoner, for officers and guards for 1883.....	\$2.39
Same for 1884.....	\$2.06

The prisoners have performed 7,379 days' labor in the quarry and construction of new buildings, and 5,570 $\frac{1}{4}$  days in and about the prison.

No complete report has yet been received from the directors and this vexatious delay renders it impossible to summarize many facts which might prove interesting and require comment. It seems that the prisoners have performed 7,379 $\frac{1}{4}$  days' labor in the quarry and in the construction of new buildings, and 5,570 $\frac{1}{4}$  in and about the prison. I am unable to say what this latter service consisted of, but taking it for granted that it was labor, which represents the earning capacity of the prisoners, if under a contract, there was a total of 12,949 $\frac{1}{2}$  days' work represented, from which an income may be estimated. It seems that the directors have been offered 45 cents a day for the labor of prisoners, and at this rate the labor performed during the past year would amount to \$5,827.27. I am inclined to think the labor of the prisoners in the quarries for the past year would amount to considerably more than this, but the directors seem to think that this labor can not be profitably continued.

The total appropriation of 1883, for the Sioux Falls prison, for two years, excluding buildings, repairs and improvements, was \$77,625.00.

The total amount expended for maintenance, officers, employees, fuel, medicine, clothing, etc., was \$54,462.46.

The average number of prisoners for the two years being 59 $\frac{1}{2}$ , it will be seen that the total cost per prisoner per year, was \$477.48 and per week, \$9.18. The cost of keeping the prisoners at the House of Correction was \$78 per year, or \$1.50 per week per man. The expense of transporting, however, was much greater, averaging about \$466 per man, while to the present prison it averages but \$101. With a small number of convicts, a penitentiary is an expensive institution to maintain, and though the time had come when the territory demanded a place of her own for the reception of prisoners, this expense is considerably greater than when they were sent to a neighboring state. The expenditure per capita will diminish of course as the number increases, and it does not appear even now that the cost is very much greater than in states east, having something like an equal number of convicts.

The estimate of the directors of the Southern Penitentiary for the ensuing two years is \$68,800. This is for the ordinary running expenses of the prison, and is made on the basis of 130 prisoners. No calculation is made for the earnings of the prisoners.

The estimate of the directors of the Bismarck Prison for the same purpose, is \$56,652. This is based on an estimate of sixty prisoners and eighteen employees for two years. The directors of Bismarck Prison also ask for an appropriation to make certain improvements amounting in all to \$47,900. Some of these improvements, such as a workshop, heating and plumbing, temporary yard wall, sewerage, etc., are necessary to the occupation of the prison. The directors also submit a full report of their expenditures in constructing the prison, with such recommendations and suggestions as they have thought necessary. The building seems to be well adapted to its purpose, and is a fair beginning to what will ultimately be made, no doubt, when the wants of the territory require it, a structure of harmonious design and finish.

The prison at Sioux Falls is of an imposing design, and would be regarded anywhere as an admirable structure for the purpose. The completion of the United States wing and the warden's residence adds much to the appearance of the structure and makes it altogether one of the most complete penitentiary buildings in the West. The whole edifice is capable of accommodating 200 prisoners, but the possession of the wing constructed for the general Government is still uncertain. If the United States wing can be controlled by the territory, the accommodations thus furnished, together with those by the Bismarck Prison, will in my judgment be sufficient for the necessities of the territory until the next meeting of the Legislature. It is important, however, that this question be settled and a careful

estimate be made in order that the present Legislature may make such preparations as appear necessary.

**ASYLUMS.** One building of the North Dakota Insane Asylum at Jamestown, provided for by the last Legislature, has been completed and the report of the trustees is presented herewith. This asylum, which is designed upon the modern cottage plan, can of course be enlarged to any extent. The present building will accommodate fifty patients. The increase in the number of insane is very large, and although accommodations are already provided in the territory for 250, I fear that additional provision must be made to meet the necessities of the next two years. There are already fifty patients or more (the full capacity of the Jamestown building) in the institution at Yankton. The trustees of the Jamestown hospital ask for an appropriation for an additional building, and submit an estimate therefor. They also ask for an appropriation of \$8,500 for the maintenance and improvement of the present hospital. This amount can be materially reduced in my judgment without seriously impairing the efficiency of the institution. The building which has been erected is a plain but neat and substantial structure, and is well adapted, I believe, to its purpose. It seems to have been erected also with a fair regard to economy, but the land on which it stands has cost a much larger sum than was anticipated. The trustees make a full explanation of the matter in their annual report, and the reasons which induced them to select the present site.

A very full and complete report is submitted by the trustees of the Dakota Hospital for the Insane, at Yankton, containing tables of much interest. The full capacity of the present building, including the wing which has lately been completed, is 200. It appears that 108 patients, from South Dakota alone, were admitted to the asylum in the past year, a gain of sixty-eight over the year previous. At the same rate of increase there will be 291 patients in South Dakota at the end of two years. If the fifty belonging to the north are removed, there will remain room for ninety-seven at Yankton, which will of course furnish accommodations for a year yet. From a hasty examination, however, it would appear necessary, as I have already stated, to make arrangements for enlarging both asylums by the close of 1886.

The present institution seems to have been managed with judgment and economy. The average cost of caring for patients has been but slightly over \$2.22 per week per patient. At Rochester, Minn., the cost has been \$3.44 per week, and at St. Peter, Minn., \$3.54.

**PUBLIC LANDS WITH RAILROAD LIMITS.**—There is a widespread feeling in the northern part of the territory that the Government lands lying along the Northern Pacific Railroad, within what is known as the railroad limit, ought to be placed on the market at the regular Government rate of \$1.25 an acre. Such action has been taken by Congress in other cases of reserved lands, and there seems no good reason why it should not be done in this. The Government is not a speculator and railroads are not built to enhance the public revenue, but to open the country up to settlement and cultivation.

**EXAMINATION OF PRIVATE BANKS.**—Up to July, 1883, the private banks of the territory had to make returns to the United States collector of internal revenue and were subject to examination as often as the officials thought necessary. Since these reports ceased there has been no way of determining the standing or condition of private institutions of this kind, our own laws making no provision therefor. I call the attention of the Legislature to matter, both in the interest of sound and reliable houses of this kind, who will esteem it an advantage to have their condition known, and in the interest of the people at large to whom such knowledge would prove a protection.

**SCHOOL OF MINES.** It has long been thought that our educational systems should be supplemented by a school of mines to be established in the great mineral regions of the Black Hills. The industry which contributes from eight to ten millions annually to the precious metals of the country is worthy of development, and deserves your fostering care and encouragement.

I have been requested also to call the attention of the Legislature to the advisability of providing for a territorial geologist, it being deemed important to begin the work of a geological survey.

**THE CAPITOL BUILDING.**—The commission appointed by the last Legislature notified me on the 16th of November last that the capitol building provided for by the act of the Legislature was ready for occupancy, and in obedience to the requirements of the law I issued a proclamation reciting that fact. Under the terms of the law the commission is required to report directly to the Legislature. A few facts and suggestions, however, may be given here.

The commission report the total cost of the present building, exclusive of the pay of the architect, the commissioners, etc., to be \$145,000. They have received from the sale of lots \$48,000. The whole number of lots belonging to the fund was originally 1,000 appraised at \$123,415. Seven hundred and fifty of these lots remain unsold, besides 100 acres of land adjoining the townsite south of the city. I am informed that the commission owe on the building, and for divers services performed, about twenty thousand dollars. This does not include the heating and furnishing, which the citizens of Bismarck do not regard as coming within their contract to erect a capitol building. The appraisement of the real estate, conveyed to the territory by the City of Bismarck, was made at a time when prop-

erty values were high. When the times became less prosperous this property would not sell at the price fixed by the commission, and as there was no authority of law for a revaluation or selling at a figure below the minimum appraisalment, the commission found themselves embarrassed for lack of funds, hence the debt of \$20,000 alluded to. I advised the commission to issue warrants on the building fund for this amount, but there being no balance in this fund, of course the creditors must wait. The real estate named is the property of the territory. It was intended to be disposed of to pay for the erection of this building. The fact that it has depreciated in value is a misfortune, but it does not alter the obligation entered into to pay the men who contributed time and material toward the structure and to pay them promptly. I am told that some of this amount is due to laborers who depend on their daily earnings to support their families. It may involve a sacrifice to sell the property now, and some of the creditors may feel disposed to wait, but they should not be compelled to do this under protest. They did their work in good faith. They knew only the single fact that a Legislature of the territory had authorized the work, and relying upon this authority they went forward. The act of one Legislature may be overturned by a subsequent one, but the faith and credit and reliance that the outside world place in the law-making power should not be shaken by any failure to comply with contracts honestly performed under the color of law and under the direction of those chosen to administer it. I therefore recommend that the Legislature confer upon the present or any future commission that may be appointed the power to re-appraise and sell the lands remaining to the capital commission, and pay their debt. As I have said, the heating apparatus is not included in the debt of \$20,000. The steam, of course, takes the place of stoves, except that so large a structure could hardly be made comfortable with the latter. The property remaining unsold ought to be amply sufficient, and will be, I doubt not, under proper management, to pay all the debts, including the expense of lighting, heating and furnishing. Such expenses, however, as properly belong to the territory should be liquidated by the Legislature with the provision, if thought best, that the amount be charged to the building fund, and paid out of the future sales of real estate. I take occasion to say here that the lights and furniture placed in the capital are not furnished under any contract or stipulation, but are here simply for the inspection of the Legislature and for their use if they wish to secure them. So far as I know, no assurances of purchase have been given to the firms who have undertaken the work, for the Legislature can consider the subject without the slightest embarrassment, growing out of any promises, though I hope with perfect justice and fairness. I may say further, because the subject has been discussed somewhat in the newspapers, that I understand this building to be the free gift of the people of Bismarck to the territory. I have accepted this assurance in good faith and with no thought of any mental reservations or evasions. I am sure the thought of asking for any return of the money expended has not entered the minds of the donors, and that no scheme or device for such return is contemplated. And I hope, I need scarcely assure this Legislature and the people of the territory, that, relying on the terms of the law under which this work was undertaken, no measure for repayment will meet with the approval of the executive, while I occupy the office and Bismarck remains the capital. \* \* \*

The governor then commends the New Orleans Exposition.

**GRAIN AND RAILWAY COMMISSION AND AGRICULTURAL AND IMMIGRATION AGENT.**—The territory needs an effective grain and railway commission. It needs an agent of immigration, and it needs an agricultural bureau. The grain commission provided by the last Legislature amounts to very little practically, because the agents appointed to that board have not been willing or competent, but because they are provided with no adequate means to carry out the necessary improvements. The question of securing a fair grading of grain, and reasonable facilities for transporting it to market is one of much moment, and one beset with many difficulties. The matter has been widely discussed and has no doubt secured the careful consideration of many members of the Legislature who will have measures of relief to propose. I need not dwell on the importance of a change in the present condition of affairs. Such a change has become an absolute necessity to the growth and continuance of an agricultural industry. I am glad to learn that the Legislature of Minnesota is disposed to co-operate with the legislative department of this territory in an effort to devise means for the relief of the people of both sections, and I hope committees of conference may be appointed by the two bodies, and that their deliberations will bear satisfactory results. If our present grain commission, reorganized and clothed with larger powers, can be of service in this connection, you will doubtless see fit to continue it. As constituted under the present law, however, it might as well be abolished. The advantage of having an agricultural agent for the territory is apparent. Dakota is pre-eminently an agricultural region. No body of men is more fairly entitled to representation in the territorial government than the farmers and stock raisers. Information regarding the condition of the crops, the acreage, aggregate and average yield, experiments with various seeds, success with diverse crops and manner of cultivation, and many other matters upon which it is desirable to have full information, are now unobtainable in anything like a reliable form. Experience with crops in other states, even those immediately adjoining us, is in many instances or wholly inapplicable here. The country and the conditions are new. Success with any given crop in the territory, cultivated in a given way or with some new variety of grain, is a matter of great



importance to the farmers of the territory, and all information should be speedily gathered and widely disseminated.

I earnestly hope that provision will be made for the appointment of such an agent, and that whatever appropriation is needed to make a bureau of this character effective and of signal service to the farming interests, will be promptly furnished.

The states about us have commissioners of immigration and find them profitable adjuncts to the state governments. There is certainly as much, and it seems to me more, room and reason for the employment of such an agent in Dakota than in any of the neighboring states. Three boards to look after the three interests named seems hardly justifiable and scarcely necessary. But it has occurred to me that the three departments, so closely allied, might be united under one effective board through which the entire business could be transacted. If these three interested can be grouped together, each with a member especially adapted to one of the departments named, acting separately in their collection of data, etc., but together in their final action on questions of moment, it might prove to be an economical as well as practical arrangement.

I believe that it is the experience that one board properly constituted, with business enough before it to keep its members employed and fairly paid for its services, will accomplish more than half a dozen, assembled at long intervals, possessing little authority and handicapped by the fact that their own private business must suffer while they give their time to the public, practically without compensation.

Difficulties may be found in the way of practical application of this suggestion, and I shall only be too glad to have a better way pointed out to gain the end in view.

**ORGANIZING COUNTIES.**—The organization of new counties is beset with many difficulties. I believe that many of these difficulties can be avoided by an intelligent amendment of the law. When fifty voters petition for the organization of a new county the governor is required to appoint commissioners. The number is too small. At least one hundred ought to be required. Again, if there is any valid reason why the voters in a new county should not choose their own commissioners, decide upon their own county seat, and generally enjoy the privileges and responsibilities of their fellow citizens in other counties I do not know what that reason is. Surely there is nothing in the Organic law to prevent. If provision were made authorizing a special election to be called on the petition of 100 persons possessing the qualifications of voters, and surround such special election with safe guards to insure a fair vote and an honest count, I believe the interests of all parties would be served. At any rate the present law demands some rational amendment. It is simply impossible for the executive to avoid committing frequent mistakes, and he is liable to commit grave errors under the statute as it now stands. I have appointed commissioners for but two counties since my term of office began. These are McIntosh and Buffalo, the latter with much doubt as to the wisdom of organization. The statute leaves the governor no discretion however when satisfied that fifty of those petitioning are voters. I have required sworn evidence that those asking for organization possessed the qualification of electors; but it still follows that fifty persons may secure the organization of a county if the law is obeyed, though 150 persons in the same county may protest against it. It is desirable that new counties be organized as fast as they possess the necessary population, but the minimum number now required should be doubled at least. Various difficulties and complications exist in some counties organized in the past year or two. In certain cases the people complain that the commissioners have not done their duty, and these cases demand attention and such remedy at your hands as can be applied and which seems advisable. In some of these cases I presume justice would be advanced by undoing the work of organization, if the power exists, and taking the task of reorganization into your own hands.

A number of local quarrels, growing out of the permanent location of county seats, have arisen, and in two instances I have been called upon for assistance to protect the officers of the law in the discharge of their duty. \* \* \*

**THE MILITIA.**—In this connection, I wish to call the attention of the Legislature to the militia laws of the territory which require amendment to make them effective and thoroughly practicable. The law requires the adjutant general to perform various duties, to keep extensive records and forward certain returns to Washington. He is the only person in any way authorized to act as the custodian of arms and accoutrements, and this authority is limited and is to be gained by inference rather than by direct grant. It is not necessary in my judgment to devise any elaborate plan for militia organization or to incur any considerable expense in the maintenance of military companies, but we cannot ask the adjutant general to contribute of his private means, as well as of his time, to carry out the requirements of the law. I therefore recommend that there be appropriated for the expenses of this office \$1,000 annually. This sum to cover the necessary expense of traveling, storing and caring for arms and accoutrements, procuring and keeping the necessary records and blanks, and for such other expenses as properly and legitimately belong to his office. I recommend that a small sum be appropriated for uniforms, and for the rental of armories for each of the various volunteer companies regularly mustered into the territorial militia. It should be remembered that every able-bodied man in the territory, between the ages of eighteen and forty-five, is required to be enrolled in the militia and that all such persons are subject to call in case the volunteer companies are insufficient to meet an emergency. Organized militia, therefore, are not only convenient in case of trouble but they save other citizens



from the annoyance of a demand upon their time and services and are a protection to those subject to call as well as to those threatened with disturbances.

There are six companies in the territory that have been mustered into the service for two years. There are several more organized, one or two of which are uniformed and equipped. The others are awaiting arms and muster.

The guns at present in use by our militia were secured by my predecessor from the war department, he giving, as I understand, his personal bond for their safe keeping and return when demanded. I ask the Legislature to authorize the governor to execute a bond in the name of the territory, for such arms and any others which it may be necessary to secure, requiring him in turn to take a good and sufficient bond from each company to whom such arms shall be issued.

THE QUESTION OF ADMISSION AND DIVISION.—I suggest that steps should be taken by the present Legislature to acquaint Congress, through a memorial or otherwise, with the true sentiment of the territory regarding admission and division. The members of the General Assembly are fresh from the people. Nothing except the individual expression of the people themselves at the polls could be so reliably indicative of their sentiments and desires, as the public expression of their chosen representatives. The very wide attention which the subject of admission and division is attracting, and the fact that it has been deemed of sufficient importance for comment in the message of the governor of our neighboring State of Minnesota, who alludes with great kindness to the merits and desires of the people of the territory, induces me to refer to this question in this communication.

The territory either as a whole or divided is populous enough, even if the maximum of population hitherto required is demanded, for the formation of a state government or governments. Of course if precedents are to be ignored and new conditions attached to Dakota, we may not only be unable to get into the Union now, but may remain out indefinitely. But I believe that with a full knowledge of our population, resources and development, Congress will at least afford the territory an opportunity of joining the sisterhood of states. Whether an offer of this character, which contemplated admission without division would be accepted by the people is not for me to declare.

I do declare this, however, that it is more important that territories be divided as their people desire than that their boundaries should be fixed by strangers who are liable to misunderstand their necessities. A happy Union is made up of willing members, and contented communities make prosperous states. But nothing could be more entirely conclusive as to the desires of the people of Dakota than an opportunity to vote upon the question of admission in any form that Congress may submit it. Whether they accept or reject the proposition, the opportunity to do the one or the other should be afforded them. It is easier to decline an honor than to accept a wrong.

There were 86,703 votes cast in the territory at the recent election. There are 130 counties in the territory, but only seventy-eight were organized in time to hold an election in November. That the number of persons in Dakota possessing the qualifications of voters aggregate 100,000 will be disputed by no one, I think, familiar with the facts. That these voters are not transient persons is evidenced first, by the fact that nine months residence is required under our laws as a qualification of suffrage, and by the further fact that the returns made under the law by the school officers to the superintendent of public instruction show that in sixty-five counties out of the eighty-five organized (all that have furnished census returns), there were on the 1st day of June, 1884, 77,499 children of school age (seven to twenty years).

The presence of the family proclaims the absence of the adventurer.

The assessed value of property for the year 1884 is over eighty-four million dollars, and the receipts of the treasurers of school corporations alone amount to over one million six hundred thousand dollars. The total expenditures of the whole territory for educational purposes, beginning April 1, 1883, and ending June 30, 1884, were nearly two million dollars.

I might make comparisons which would exhibit the territory in a most favorable light beside many old and well settled states, but this need not be done. The one fact that so large a sum was expended for common schools dispels the notion that the population of the territory is in any manner fictitious or that the country is not peopled by honest voters who abide in honest homes.

The ordinance of 1787 provided that territories should be admitted as states when the population reached 60,000, and might be admitted with less, and although Dakota is not a part of the Northwest Territory therein described, yet the Congress has applied its wise and patriotic provisions to the regions afterward acquired, and has recognized the vast region which is now the West, as coming under that salutary and beneficent enactment. We have six times the population as a maximum number necessary to admission. We have 2,000 schools and a half dozen higher institutions of learning. We have permanent and costly structures erected for benevolent and penal purposes, and all built by the territory without the aid of the general Government.

It is the policy of the nation to encourage the settlement and development of the public domain. Generous laws have been enacted and many inducements given to open the wide region to civilization. I submit that this liberality of the Government in granting free homes ought not to be defeated by an illiberal exclusion of those privileges of self-government which like many others grow dearer when they are denied.

With all this it is not wise to look on admission as the ultimatum, the open gateway to everything desirable. We are liable to magnify the advantages of admission, and to overlook the disadvantages of exclusion.

The machinery of a state government is expensive and for this reason the sentiment that a territory should be fully prepared for statehood before admission is one to be commended. The territorial tax of Dakota is light and its general expenses do not approach those of neighboring states of about the same and smaller population. For the two years ending November 30, 1884, the expenditures of the territory, including interest on the public debt, were but \$207,25.61 and over \$2,706,28 of this amount went toward the erection of public buildings. For the same period Colorado expended \$1,118,772.41. Nebraska, during 1883, with no outlay for buildings and with a population of but 620,000, 877,291.41. New Hampshire spent \$1,016,217.44 with no expense for public improvement. The states of Minnesota, Nebraska and Kansas far exceed these amounts, showing that the desirable result of statehood is largely increased taxation.

There are benefits to be derived from admission, however, that should also be considered. More speedy justice would be secured in our courts, the present number of judges being insufficient for the business before them. With votes in Congress, some attention would be paid to improving our waterways, so necessary to the development of the country. If precedent is followed, Dakota would be entitled, on admission, to a percentage on the sale of public land within her borders, which would largely increase her revenue. I am informed, also, that the territory suffers because of her exclusion from the Union. Those who have negotiated our bonds announce that such as have sold at par would have readily commanded a premium had Dakota been a state.

But aside from the financial advantages to accrue, there are the accompanying rights of self-government dear to every community of American citizens. Among these is the power of the people to choose their own rulers and to determine who shall administer their affairs. Such a sentiment does not grow out of any narrow minded exclusiveness. It does not mean that all are not welcome to Dakota where all are so new and the field so large, but it is a part of that natural and independent spirit which the fathers have transmitted to us, and which can be easily understood and appreciated by the country.

I realize fully that the time has come when the people of Dakota should speak and act and decide for themselves; and I cannot but believe when the Congress of the United States fairly understand, as one who resides here must understand, the justice of heeding the appeals of this great territory, a prompt, cordial and general recognition will be extended to her. Till then, it is our part as good citizens to abide in peace and patiently await the action of the Government. I am sure however that Congress will listen with that respectful consideration which each member of the national body expects to receive for his own people, to the candid representations of this legislative assembly, speaking by the authority of the people of the territory and asking justice at the hands of the Union they honor and love.

**NECESSITY FOR ECONOMY.**—It will be necessary to use care and economy in the appropriations to be made. Communities, like individuals, should retrench their expenditures when their income decreases. The times are hard, and it is feared the revenues for the present year will be materially reduced. Our public institutions must be fairly supported, of course, and if additions are found necessary, provision must be made for them; but a consideration of the universal financial distress and the unprofitable returns which have greeted the toil of all classes for the past twelve months, will show the necessity of cutting down expenses to the lowest practicable points and should make us hesitate about undertaking new and expensive ventures which it will be difficult to meet.

I need hardly remind the Legislature that we are at a critical period when harmonious, dignified and well considered legislation will do much to advance the interests of the territory. You are in the main of one political faith. It is meet that you should be one in the important work before you. The unfortunate disagreements of the past have injured the territory seriously. No member of the Legislature can fail to realize this. Our quarrels, whether of the town, the county, or the territory, seem to be taken up and magnified a hundred fold all over the land. I ask the members to use all possible forbearance in the proceedings of the session now begun to the end that the whole people may be harmonized and the whole territory exalted. You compose, probably, the last Legislature which will assemble in Dakota as at present comprised. I hope and believe you will adjourn, conscious of work well done and with the thanks and plaudits of your constituents.

GEORGE A. PIERCE,  
Governor of Dakota Territory.

The corrupt methods that had been employed to secure a removal of the capital at the session of the Legislature held at Yankton in 1882 had been rankling in the minds of the people who resided south of the forty sixth parallel during the two intervening years, together with a wholesome sympathy from a large element in the Red River Valley of the North, therefore it is not surprising that one of the first measures introduced after the Legislature organized was a bill to remove the capital from Bismarck and relocate it at Pierre. The

preliminary votes concerning this measure indicated that the members south of the forty-sixth parallel were united in its favor with the exception of Wagner, of Bon Homme, who through the Ordway influence had been made a trustee of the insane hospital and superintendent of the work of construction at that institution. There was no question of the success of the bill so far as the Legislature was concerned, but the governor's position was questioned, though his early utterances made soon after his appointment favored the opinion that he would not veto. The bill was introduced by Representative John A. Pickler, of Faulk County. It had about two-thirds majority on the main question of removal, but this majority was not united in favor of Pierre. Huron was also a strong candidate, as were Mitchell, Chamberlain, Redfield, Aberdeen and Watertown. Still the demand for removal was a common platform that all points agreed upon, hence the vote on the passage of the bill through the House gave to Ordway, McKenzie and the Northern Pacific interest great perturbation. The vote on final passage was twenty-seven for to twenty against. A majority of the Council also strongly favored the measure, but the bill was not acted upon until early in March, when it was passed without amendment. It is probable that motives of policy in which the success or defeat of other measures was connected was responsible for the delay.

When Governor Pierce was appointed he first came to Yankton and took the oath of office. A public reception was given him during which he made a responsive address, in which he made the following reference to the capital removal, which was then the subject of legal proceedings:

I have not discussed the legal proceedings which are pending because I must act solely upon what I find before me, upon the law as it stands, until altered by the Legislature or the courts. \* \* \* I have no plans to push or theories to advance against any competent authority which may direct me to modify or reverse my action. I am the subject of the law. Let the law and the people who make the law express clearly what they require me to do, and I shall cheerfully obey.

Following is the text of the bill introduced by Major Pickler, of Faulk County, providing for the removal of the capital. The bill was introduced on the 17th of January, two days after the Legislature organized:

#### AN ACT TO RELOCATE THE CAPITAL OF THE TERRITORY OF DAKOTA

Be It Enacted by the Legislative Assembly of the Territory of Dakota:

Section 1. The seat of government of the Territory of Dakota is hereby removed from the City of Bismarck in the County of Burleigh, Territory of Dakota, and said seat of government is established and located at the City of Pierre, in the County of Hughes, in said territory.

Sec. 2. Any and all interest and title which the said territory may have acquired in any real property under or in pursuance of "An act entitled an act to provide for the location of the seat of government of the Territory of Dakota, and for the erection of public buildings thereat, approved March 8, 1883," and all interest or title whichever said territory may possess in or to any building or buildings that may have been constructed on said real property, with the appurtenances thereunto belonging, is hereby released and transferred to the said City of Bismarck; provided, however, that the said City of Bismarck pay and discharge any and all liabilities or indebtedness accrued or which may hereafter accrue on account of the erection and construction of such building, such indebtedness to be paid by said city within one year.

Sec. 3. This act shall take effect and be in force on and after its passage and approval.

Councilman Kennedy, of Brown County, introduced a bill of like purport in the Council the same day, the apparent intention at the time being to remove the capital forthwith and adjourn the Legislature of the present session to such new location.

In the Council, on the 19th, Kennedy's bill was considered and passed after being amended to strike out Pierre and insert the name of the Town of Ordway, in Brown County. All the northern councilmen joined in this movement from motives that will be apparent. The vote on the passage of the bill included the



eight northern councilmen and Kennedy, of Brown; Hutton, of Lincoln; Wagner, of Bon Homme, and Bowdle, of Davison.

A bill changing the name of the Town of Ordway to that of Independence, introduced by a Brown County House member, passed both houses, but was vetoed by the governor, who had apparently come to the conclusion that it was the duty of governors to stand by one another.

While a good majority of the members favored the removal of the capital as a measure of rebuke to the flagrantly dishonest scheme which had just accomplished it, it became quite evident that the question of a division of the territory and its bearing on capital location was being considered by a number of the members who had no other personal interest in the matter. If the territory was divided the location of the seat of government would go to a vote of the people, and such would probably be the case if there should be no division. That one or two states were on the eve of succeeding to the territory was as certain as the happening of any future event could be. Both proposed divisions of the territory had already secured population enough to entitle them to admission, and Mr. Springer, in the House of Representatives, was perfecting a plan that would bring into the Union four new states from the Northwest and Southwest. Under these circumstances there was less desire to make any change in the capital except that which sprung from sentimental reasons to rebuke the Ordway and McKenzie element, and to let the world know that the people of Dakota did not approve their buccaneering operations. And so far as the masses of the voters were concerned, south as well as north, the sentiment regarding the removal act of 1883 had not changed. The great majority of the voters would have applauded removal to any point as the most forcible protest that could be made against the corrupt and unlawful bargaining which resulted in its removal from Yankton.

The proceedings of this session of the Legislature centered quite largely in a sectional strife. The effort of the Mitchell members to remove the United States Court from Yankton to Mitchell was a disturbing element, and led to a combination of the Mitchell influence with the northern members, who, in return for support given to prevent capital removal, threw their votes for the removal of the court, and although the plan failed, it remained a disturbing element during the entire session.

Ex-Governor Ordway remained at Bismarck during a part of the session, ostensibly looking after his interest in the National Bank, in which he owned a controlling interest. He also figured somewhat to his discomfiture in the legislative proceedings. He seemed obnoxious to many of the members; he was treated with indifference and left the city some time before the session ended. The membership of each body had been doubled, but the sectional differences were well defined. There were two Dakotas represented. The removal of the capital having been made a question of conscience by the governor, which involved the sanctity of his oath of office, his veto did not leave an ineffaceable scar.

The veto message of Governor Pierce, explaining his reasons for declining to remove the capital, is here presented:

Executive Office, Bismarck, D. T., March 9, 1885.

To the Speaker of the House of Representatives:

Sir—I have the honor to return herewith House Bill No. 7, which has been submitted to me for my concurrence and approval. This bill provides for the removal of the capital from the City of Bismarck to Pierre. If there are questions of equity involved in this measure I will not now discuss them. If there is something like rebellion, justice, greater than of past wrongs, either fancied or real, I do not here and now consider them. I pass by the question of expense and taxation in the construction of a new building at Pierre. I pass by the fact that \$200,000 worth of property now belonging to the territory is donated by this act to private individuals. I pass by the allegations of impropriety and charges of corruption which have been made, to come to the consideration of the one question—"Is this measure legal?"

We have taken an oath to support the Constitution of the United States. Section 10, of Article I, of that Constitution prohibits the passage of any law impairing the obligation of contracts. Does the arrangement consummated by the removal of the capital to the City of Pierre,



as well as individuals, come within the constitutional prohibition? Then none of us can break it if we would, and none would break it in violation of our oaths if we could.

In the case of *Mills vs. Williams*, 2 Ind. 105, Justice Pearson declared that while there are some grants conferred at the will of the Legislature and subject at all times to be modified or repealed, there are others that assume the nature of contracts and cannot be molested. "The Legislature," says the learned justice, "is not the only party interested, for although it has a public purpose to accomplish, it chooses to do it by the instrumentality of a second party. These two parties make a contract. The Legislature for and in consideration of certain labor and outlay of money confers upon the party of the second part certain powers and capacities. The expectation of benefit to the public is the moving consideration on one side; that of expected remuneration for the outlay on the other. It is a contract and therefore cannot be modified, changed or annulled without the consent of both parties."

The Legislature of 1883 directed a commission to select a site for a capital and declared that in consideration of a large amount of money to be paid and land to be given, said site should become the permanent seat of government. The wisdom of that law has been much questioned, and it is no part of my duty to modify, justify or defend it. It is sufficient to know that Bismarck was chosen; that it accepts the proposition made by the authority of the Legislature; that it paid the money demanded and contributed the land required. There is no allegation that the city has not complied with the spirit and letter of its agreement. If the contract was between individuals, no one would question the binding force of the obligation. Shall the rule be changed because one of the parties is a great territory with honor to defend and dignity to maintain? Such an interpretation, in the words of the judge above quoted, "would shock the public conscience." "There is not one law for the sovereign and another for the subject," says Judge Allen (71 N. Y. 549), "but when the sovereign engages in business enterprises and contracts with individuals, the rights and obligations of the parties must be adjudged upon the same principles as if both parties were private persons. A state may repudiate its contract; it may refuse to perform them, but its sovereign rights to destroy or impair them is limited by the Federal Constitution. It may refuse to respond in damage, and leave a claimant without any remedy, as it may refuse to pay its bonds, but the obligation remains. No legislative feat can destroy that."

(See *Dunolds vs. The State*, 80 N. Y. 36.) The court says: "It has been settled so as to be beyond controversy that the constitutional provision which denies to the state the power to pass laws impairing the obligations of contracts, applies to all laws passed within its limits, contracts made by the state as well as contracts made by individuals. The sovereign can construe, and has many occasions to do so. It must be governed by the same rules of common honesty which binds individuals. It is true that as a rule the Legislature is sovereign and may modify or abolish acts of its predecessors, but this rule has a plain exception, and this exception seems to be itself without an exception." "There is no modes," says the court, in a case reported in 5 McLean, 161, "by which a legislative act can be made irrevocable except that it assumes the form and substance of a contract," and commenting on this Judge Cooley says: "Legislative acts are sometimes in substance contracts between the state and party who is to derive some right under them, and they are not less under the protection of the Constitution because of having assumed that form." (See work on Constitutional Limitations, 126.) The book seems to be full of such cases, but Judge Cooley has laid down a principle in his great work on the Constitution which seems to cover the measure under consideration entirely and completely. Says the great commentator (see section 1374, *Story on the Constitution*): "It has been made a question whether it (the constitutional prohibition) applies to contracts and grants created directly by law or made by some authorized agent in pursuance of law. It has been suggested that in such cases it is to be deemed an act of the legislative power, and that laws are repealable by the same authority that enacted them. But it has been decided upon solemn agreement that contracts or grants made by a state are not laws within the reach of the prohibition other than the contracts and grants of private persons. The Legislature may make a contract with individuals by law, and when it is accepted it is equally under the protection of the Constitution, and it may be laid down as a general principle, that whenever a law is in its own nature a contract and absolute rights have been vested under it, a repeal of that law cannot divest those rights or annihilate or impair the title so acquired." "No court of justice in this country," continues Justice Story, "would be warranted in assuming that any State Legislature possessed the power to violate and disregard such a contract, or that such power is so repugnant that the common principles of justice and civil liberty lurked under any grant or ought to be implied from any general expression of the will of the people." (See also sections 1339, 1385, 1394 and 1395.)

In my mind there is no doubt but that this bill plainly violates the Constitution we have sworn to support. The rule may be a hard one in some cases and under some circumstances, but we did not make it and we did not enact the law which makes its application necessary. Our only duty is to take the case as it is and act with a solemn regard for our oath. But it may be asked, "Has the Legislature no power to change the location of the capital?" Undoubtedly there are certain ways by which a state can resume its sovereignty, it being in the interest of public policy that this shall be done, but it must do justice before it asks justice.

There is another phase of this question which seems important to be considered. It greatly adds to the difficulties surrounding this bill. The act provides that the property shall

be disposed of, the indebtedness paid and the remaining proceeds distributed among those who have contributed to the erection of the capital building. I understood that the land on which the capital was built was deeded to the territory by the Northern Pacific Railway Company for capital purposes only. That a condition of the grant was that the land was to be used solely to such purposes, or failing to be so used shall revert to the grantors. This being so the provision for distribution is of no avail for there will be nothing to distribute, the building being part of the realty passes with the grounds, and the result of this law would be to enrich the corporation which gave the land, while the men of small means who were induced to subscribe to the fund, and some of which owe a large portion of their subscription, must absolutely lose everything. In the same way the provision regarding the payment of debts contracted by the commission is idle because there will be no assets out of which those claims can be liquidated. I am sure the Legislature does not desire to place the parties who have had no lot nor part in this unfortunate conflict, at such a disadvantage. It seems to me, apart from other considerations, that this agitation is unwise and timely. Its inevitable result will be to plunge the territory into renewed and distracting litigation of which the people are tired and weary. If I rightly interpret their wishes they are saying to us: "Let us have fair laws wherever they are enacted. Let us have an honest government wherever it is administered, and in the name of a patient and long suffering people, let us have peace." I cannot approve the bill.

GILBERT A. PIERCE, Governor.

The veto of the capital bill occasioned but little surprise, though the reasons assigned were generally viewed as untenable. Freed of its verbiage, his veto asserted that the Legislature of Dakota had the lawful power and authority to repeal a provision of the organic act, which had been done by the enactment of the capital commission bill and the subsequent proceedings of the capital commission under it, and that the legislative authority over the location of that institution had been virtually exhausted by the contract made with the Northern Pacific Railroad Company. It was a humiliating position for the great territory to occupy, but there did not seem to be any remedy for it. The contract with the Northern Pacific Railroad Company for land at Bismarck and other donations had erected a perpetual bar to further capital removal even if the territorial government remained in existence for a century. In other words, the Territorial Legislature had provided a way by which a portion of the organic act had been nullified—the same organic law under which the Legislature itself was given authority to make laws, and which declared that:

At the first session of the Legislature, or as soon as it may deem expedient, the governor and Legislative Assembly shall proceed to locate the seat of government, but such place shall thereafter be subject to be changed by the governor and Legislative Assembly.

The governor had previously voluntarily and unqualifiedly declared in his public addresses that he should not oppose the wishes of the people in respect to capital location when declared by the Legislature. The veto therefore placed him in a rather equivocal position.

The general expectation of an early division of the territory, however, deprived the matter of much of its importance, and the subject was not at all prominent as an issue during the few remaining years of the territorial government. It might have been lost sight of altogether but for the persistence of the old capital commission syndicate in promoting the one state propaganda.

The more prominent enactments at this session of the Legislature were the following:

To authorize a territorial department of agriculture and relating to agricultural fairs; relating to the North Dakota Agricultural College, reviving the act of organization; to authorize the county commissioners of Minnehaha, Lake, Miner, Kingsbury, Faulk, Hyde, Richland, Beadle, Sully, Aurora and Potter counties to aid certain persons whose crops were destroyed by storms; appropriating \$25,000 for the New Orleans Industrial Exposition; to regulate caucuses or primary meetings in Dakota; to provide for taking the census of the territory in 1885; providing for a state constitutional convention for that portion of the territory south of the forty-sixth parallel of latitude; to provide for the incorporation of building and loan associations; to provide for the organization

of new counties; to regulate the practice of dentistry in the territory; acts to amend the laws on the subject of drainage; to amend the exemption law; to regulate the transportation of fuel on railroads; establishing territorial and county boards of health; providing for the office of commissioner of immigration; relating to the North Dakota Hospital for the Insane; authorizing the organization of county mutual insurance companies; to provide for the appointment of sheep inspectors; to provide for struck juries; declaring the 30th day of May a legal holiday (Decoration Day); to establish a board of railroad commissioners; to locate and establish a school of mines in this territory; to provide for the collection of territorial statistics; to promote the planting of forest trees on the prairies; to provide a standard of weights and measures; a memorial to Congress praying for the division of Dakota and the admission of the southern half as a state.

The following persons were appointed and confirmed to various positions connected with territorial institutions and on various boards, namely:

Territorial Institution of North Dakota, or North Dakota University—W. N. Roach and F. B. Fulton, of Grand Forks County.

Trustees North Dakota Hospital for the Insane—F. E. Jones, Lewis Lyon and M. E. Foley, of Stutsman County; V. P. Kennedy, of Brown County, and D. S. Fry, of Cass County.

North Dakota Reform School—John Haggart, of Cass County, and Judson LaMoure, of Pembina County.

Trustees Normal School at Spearfish, Lawrence County—Albert Powers, Samuel Cushman and T. M. Gregg.

Trustees School of Mines at Rapid City—Edwin Van Cise and Charles W. Mather, of Lawrence County; A. J. Simmons and John W. Nowlin, of Pennington County, and George Boland, of Custer County.

Trustees School for Deaf Mutes at Sioux Falls—Frank L. Blackman, E. P. Livingston, R. H. Runkle, S. H. Bronson, Alexander Hinckley, of Minnehaha County.

Trustees Normal School at Madison—J. A. Trow, C. B. Kennedy and Wesley Hill, for four years, and J. M. Jenks and F. B. Coffin, for two years.

Trustees Dakota Hospital for the Insane at Yankton—William Powers, Benjamin S. Williams and Robert Cox, and A. E. Cobby, of Yankton County, and Alfred A. Hutchinson, of Lincoln County.

Trustees Agricultural College at Brookings—W. H. Skinner, George Morehouse and J. P. Day, of Brookings County; Thomas Reed, of Kingsbury County, and B. R. Wagner, of Bon Homme County.

Supervisors of Census, North Dakota—A. W. Edwards, of Cass County, for North Dakota, and Robert B. Fish, of Hughes County, for South Dakota.

Railroad Commissioners—William M. Evans, of Grant County; Alexander Griggs, of Grand Forks County, and W. H. McVay, of Yankton County.

Commissioner of Immigration—Lauren Dunlap, of Beadle County.

Board of Dental Examiners—S. J. Hill, of Cass County; C. W. Stutenroth, of Codington County; W. H. Williamson, of Burleigh County; W. H. H. Brown, of Yankton County; W. B. Steele, of Hughes County.

University of Dakota at Vermillion—C. E. Prentice, A. Anderson, of Clay County; N. J. Wallace, L. P. Sabin, of Union County, and A. Sherman, of Lincoln County.

Territorial Board of Health—President, Henry C. Reno, of Richland County; vice president, C. J. Cummings, of McCook County; superintendent, E. M. Darrow, of Cass County.

An act authorizing the people of the southern half of the Territory of Dakota to hold a convention and frame a constitution and state government for that part of the territory south of the forty-sixth parallel was passed, in response to a memorial numerously signed, from citizens of the territory. Both the memorial

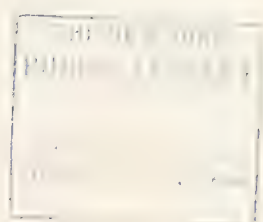




DAKOTA SCHOOL OF MINES, RAPID CITY

Founded in 1885





and constitutional convention act will be found in the chapters on statehood for the year 1885.

Next in importance to the constitutional convention bill was a bill providing for the appointment of three railroad commissioners, which would enable the territory to have a voice in certain features of the rapidly growing railway traffic. The rights of the people and the rights of the railroads in their business and lawful relation were but dimly understood at the time, but it was apparent that there were burdens imposed on the people that called for relief. The Farmers' Alliance doubtless initiated the movement for state supervision of the railways and continued to foster it until the older political parties found it expedient to favor reforms in the field of transportation. The subject grew larger and somewhat more intricate under successive legislative measures, and promises to occupy a debatable position in the industrial welfare of the territory, state and nation for an indefinite period; and in the opinion of many students of political economy, can never be harmoniously settled until the government acquires possession of the transportation lines and operates them on a cost basis.

The iniquities that had grown up under the Ordway administration in the organization of new counties called for legislative relief, though the present administration had shown no inclination to pattern after its predecessor. A new law was enacted requiring the governor, when properly petitioned by 150 voters of an unorganized county, to issue a proclamation calling an election for county officers and the temporary location of the county seat. Great abuses in the form of law are often agents of reform, and were found illustrated in this case.

This Legislature initiated the legislation having to do with the law's regard for the health of the people. Territorial and county boards of health were provided for, the pure-food enactments made their initial appearance.

Insurance corporations, territorial and county, were provided for. Decoration Day was made a legal holiday at this session. A militia law with an annual salary of \$1,000 for the adjutant-general was enacted. The law establishing the School of Mines at Rapid City was passed, and \$10,000 of territorial bonds authorized for defraying the cost of buildings. A law for the collection of statistics by the assessors and other public officers was enacted. A bill conferring the right of suffrage upon the female population above the age of twenty-one years was passed, but the governor was able to defeat it by a veto. There was a large volume of county legislation, city and school district incorporations, and acts authorizing the issue of bonds. There were 216 special and private acts passed. It was a busy session, notwithstanding the sectional and individual strife.

The Mitchell councilman, Mr. Bowdle, labored the entire session, and made many combinations with the north to secure the removal of the United States Court to that point from Yankton. In this struggle the merits of the respective points did not exert any influence of importance, but success perched upon the banner of the councilman who could form the strongest combination. Hon. John R. Gamble was the councilman from Yankton.

Concerning the woman suffrage bill vetoed by the governor, the objections urged by the executive were not based on opposition to the main principle, though his message has the flavor of opposition on general grounds, but he found enough defects in the framing of the bill to condemn it. As there had been no demand for the measure, no valid test to show that the women wanted it or the sentiment of the territory favored it, and considering also the near approach of statehood and probable division of the territory, his excellency was able to pile up quite a formidable array of objections, sufficient to deter the legislators from making any unusual effort to pass it over his veto. His regard for the sentiment of the people as to this measure and his disregard of the same sentiment as expressed in the capital removal bill were in striking and questionable contrast.

Regarding a leading attorney of the territory, and a comparatively young man who was then coming into prominence as one of the leaders in public affairs,

and who represented the Third Legislative District in the Council, the Journal of Bismarck, near the close of the session, said of him:

As chairman of the Judiciary Committee Mr. Gamble has had most frequent occasions to take the floor in explanation of measures reported from his committee. In this important line of legislative work he has been prominent in the Council and a working member of great value. On occasions he has been sharply opposed on legal propositions by other lawyers of the Council, but his presentations of the features and effects of bills which had been considered by his committee have not been questioned, and they have greatly assisted in expediting business, having been always concise but comprehensive and clear. Among important acts of the session, promising great benefit to the territory, is the enactment of an improved general law for the organization of new counties, which may be credited to Mr. Gamble. The summary rejection of the House bill for removing the United States Court from Yankton was a legislative triumph for Mr. Gamble, and was in good part due to the esteem in which he is personally held by his associates in the Council.

#### WOMAN SUFFRAGE—PIERCE VETO

Governor Pierce vetoed the bill admitting women to the privileged class of voters in Dakota Territory, which had been passed by the Legislature. His reasons therefor are fully set forth in the message following:

Executive Office, Bismarck, D. T., March 13, 1885.

To the Speaker of the House of Representatives.

I hereby return House File No. 71 with my objections to its becoming a law. A measure of this kind demands candid and careful consideration both because of its importance and because of the acknowledged sincerity and high character of those who favor it. There are certain reasons, however, why I cannot approve such a measure at this time, and other reasons why I cannot approve this particular bill. It is desirable, in my judgment, that we act, so far as possible, as if we were governed, restrained and guided by a constitution adopted by ourselves. If we had a constitution modeled after the states, an extraordinary proposition like this would be submitted to the people. If Congress thinks woman suffrage wise it has the power to establish it. It is unfair to shift the responsibility on the territory and then hold them responsible for alleged imprudent legislation. I am assured the enactment of this law will delay our claims to statehood, and also in so critical a period it is better that no pretext whatever be given for such postponement. It is doubted by many if a majority of the women of Dakota want the franchise. The point is made, and a very good one, that the fact that one woman does not want a right is not a justifiable reason for refusing it to another who does, yet it must not be forgotten that the enfranchisement of woman confers not only a privilege but a grave burden and responsibility.

We condemn the man who neglects to vote as recreant to his duty. If women are enfranchised the right conferred becomes an obligation as imperious to them as to men, as on those who oppose as on those who favor the act. The women of Dakota should have a voice in determining whether they should assume this burden or not. So much for the general proposition.

There are two other features of this bill which I can scarcely think satisfactory to the advocates of woman suffrage themselves. I am satisfied they should appear in a measure claiming to advance the rights of woman. If the vote of a woman is needed anywhere it is in our cities. In many existing city charters a distinct clause appears providing that males alone shall possess the qualifications of electors. In this bill the word "male" is stricken out of one chapter of the code, leaving the disability still standing against hundreds of women equally entitled to recognition. The women of Sioux Falls, the women of Mitchell, the women of Brookings, the women of Chamberlain, of Watertown, and a great many of the most important cities of Southern Dakota would be disqualified from voting under these special enactments, even though this bill became a law at this very session. Charters have been created with that provision retained, and they would make this bill abortive and largely inoperative. A still more objectionable feature, and one deliberately inserted, is the clause debarring women from the right to hold office. If the word "male" had been stricken out of the code, and no other action taken, they would have been eligible, and I believe there is a wide feeling that many offices, particularly those connected with penal and benevolent institutions, could be most appropriately filled with women, but this clause, practically forbids their appointment. If women are good enough to vote they are good enough to be voted for. If they are qualified to choose officials, they are qualified to be chosen.

I don't say that I would approve this measure were it otherwise worded, but I certainly would not endorse a bill which thus keeps the word of promise to the ear and breaks it to the hope. Which deliberately and avowedly debars and disqualifies women while assuming to exalt and honor them.

These objections are apart from the abstract right of women to the ballot, but they show how necessary it is to approach such a subject with deliberation. If women are to be

enfranchised, let it be done, not as a thirty days' wonder, but as a permanent settlement, in mature reflection, approved by the public conscience, and sanctioned by the enlightened judgment of the people.

GILBERT A. PIERCE, Governor.

#### GROVER CLEVELAND PRESIDENT

The change which occurred in the passing out of the old and the coming in of a new President, on the 4th of March, 1885, was a different change from any the republican party and the democratic party of Dakota had known. The territory from its birth had been under a republican administration, even the episode of Johnson's term had disturbed this situation very slightly. In 1885 a real democrat came into the presidency in the person of Grover Cleveland, of New York, who proved to be an able, fearless and independent man, and easily was accorded the leadership in his party. He had convictions regarding his duty that were not disturbed by the clamor of multitudes of his party people who desired official favors at his hands quite early after he had assumed the duties of President, but it was soon discovered that he did not regard the "spoils of office" the most important of the fruits of the victory his party had won. He was not disposed to make wholesale removals of the republicans who were holding the subordinate offices throughout the country, but let it be known that all worthy officers should continue until their commissions expired. This was not in deference to public sentiment, for public sentiment among the great non office-holding class rather favored a change. The republicans who held on to their offices were looked upon with a degree of suspicion by their fellow republicans, and were regarded as usurpers by the democrats. Regarding the territories, the President let it be known at an early day that all appointments to territorial offices would be made from the territory from residents of the territories. This was most encouraging to a number of democrats in Dakota, for though they had uniformly been in a minority in territorial contests, there were enough of them, as was early apparent, to fill all the Federal positions and have some left over, who, to use a Jacksonian phrase, "fell outside the breastworks." But Mr. Cleveland may not have intended this declaration to bind him in every instance, or he may have found it expedient to modify it.

A delegation of prominent men, connected officially or by leadership in the democratic parties of all the territories except New Mexico, met by agreement at Washington on the 14th of March, ten days after Mr. Cleveland had been inaugurated, and made a formal call upon the President, for the purpose of laying before him their views regarding territorial government. The persons composing the delegation were M. H. Day, member from Dakota of the Democratic National Committee; John Hailey, of Idaho; Judge J. A. Kuhn, of Washington Territory; Delegate to Congress Toole, of Montana; Judge Mead, of Arizona; Judge Merritt, of Utah, and J. W. McCormack, of Montana. All were democratic national committeemen, except Delegate Toole. Mr. Hailey acted as speaker for the delegation, and after the usual formalities of introduction, the speaker, in appropriate words, stated to the President that in addition to a desire to pay their respects to the chief magistrate, they had come to learn what the administration was going to do in territorial affairs.

Mr. Cleveland replied briefly but clearly that he should appoint to territorial offices men from the territories. He also clearly pledged himself to listen to the recommendation of democrats within the territories, and not be decided in his choice of men for governors by outside pressure. At this time there was an almost unanimous sentiment among the democrats of Dakota, and it was largely shared in by republicans, that Capt. Frank M. Ziebach, of Bon Homme County, should receive the appointment of governor, and the democratic hosts were greatly encouraged with the statement made by the President.

President Cleveland did not call an extra session of Congress following his inauguration, therefore Washington was largely relieved of the Dakotan lobbyists with their demand for division and admission, though their places were



abundantly supplied by democratic office-seekers, but the statehood and division questions were allowed no rest in Dakota. The sentiment of Northern Dakota regarding division had apparently suffered some modification since the capital was transferred to Bismarck, though the Red River Valley region seemed to defend it as stoutly as ever.

The democrats of the territory had also become infected to some extent with a sentiment of opposition to any change in the existing order, and while Mr. Cleveland had given out no intimation of his views on the Dakota questions, there was an organized movement made to discourage the democrats from any participation in the primary caucuses and elections called for the year 1885 to frame a state constitution. There was in view all the Federal and territorial offices to be appointed by the President and governor, and the division and statehood movements were viewed as inimical to the interests of the democratic party. This policy found expression in formal publications by democratic committeemen advising the democrats to abstain from participation in the meetings or election. The defection of many of the democrats and the antagonism of the element that had been briefly named the Ordway crowd was responsible for the light vote cast at the elections held during the summer and fall. There was, however, no change in the attitude of the recognized leaders of the democratic party in the territory. Bartlett Tripp, Captain Ziebach and National Committeeman M. H. Day continued their public advocacy of division and statehood.

The opinion governing many leading democrats who now opposed the statehood plan appeared to be connected not so much with the welfare of the people of the territory, but rather with the prosperity of the democratic party, national as well as territorial, and singularly enough this new attitude joined them with the zealous efforts ex-Governor Ordway was making in Washington to defeat both division and statehood. And it will be observed that thereafter Mr. Ordway made some use of his allies from the territory in delaying and obstructing congressional action. In line with this plan the Democratic Territorial Committee was called together on two or three occasions to give formal expression to the sentiment. This committee was divided, but the chairman was a zealous promoter of the new idea, and an Ordway man. In some instances the county committees gave formal public notice that the "democratic party will in no manner participate in the election of delegates to the constitutional convention." And while these incidents show a disposition on the part of many of the democrats to oppose statehood, they did not represent the majority democratic sentiment. The democrats were broken up into factions, just as the republicans were. And while they were loyal supporters of Mr. Cleveland and his policies, in territorial matters many of them continued to support the division and admission plans which they had espoused as a party prior to the coming into power of the democratic administration.

The situation in Dakota, taken in connection with the divided party control in Congress (the republicans having a majority in the Senate and the democrats controlling the House), suggested the importance of nonpartisan action in the political construction of the membership of the constitutional convention. A convention composed of members of both parties was the desire of the friends of the constitutional movement.

The division of the territory, as the reader has seen, had been a ruling purpose with the people, openly expressed and advocated, regardless of party predilections, as early as 1870, and the first expression of the settlers of the northern section, where settlement began in earnest in 1872-73, was a demand that the territory be divided. No one suggested that this purpose might ever be opposed within the territory, and no opposition to it appeared until the Hon. N. G. Ordway was appointed governor in 1880.

The population of the territory was gradually mounting up to the half million mark. The official report of the special census taken by order of Congress in 1885 by Col. A. W. Edwards, of Fargo, gave North Dakota a population of 152,-

199, and Southern Dakota 261,000—a total of 413,199. There were ten small districts in Southern Dakota from which no returns were received. These figures gave to each part of the territory sufficient population to entitle them to statehood, the north to have one member of Congress and the south two members.

There was no longer a presidential election pending, and many of the democratic congressmen as well as republicans were desirous of giving Dakota her rights as soon as it could be accomplished. All parties ostensibly recognized it as a duty to lay aside partisanship and clothe their fellow citizens of the great territory with the sovereignty of statehood, hence considerable activity will be observed in the proceedings of the House regarding Dakota measures during the first year of Mr. Cleveland's administration, with Hon. William Springer, of Illinois, a democratic leader of the House and chairman of the Committee on Territories, taking a conspicuous and favorable part. What to do with Dakota? had become the most important question before Congress and before the country, and the only question, and the vital one, to be answered, was whether to make of it one state or two. In the solution of this problem both partisanship and sectionalism were influential factors. The conscience of Congress was aroused as it seldom is because of the apprehension that a great injustice was being done the nearly half a million American citizens in Dakota who were being wrongfully withheld from participation in the national Government. The politician had been subordinated to the patriot. It was something like that touch of nature that makes the whole world kin.

The surprising gain Dakota had made in population, as shown by the census above quoted, settled the matter of the admission of the state. The only question that remained at all doubtful was that of dividing the territory, and whether the democrats would oppose it.

The republicans of the Senate, led by Senator Harrison, of Indiana, were now strongly in favor of division, and would openly oppose the admission of the territory as one state. This position had also been taken by a number of the influential journals, therefore it began to appear that Dakota must accept division and the admission of two states and no territory. This was the situation when Congress convened the first Monday in December, 1885. Dakota was the leading topic before that body.

The Sioux Falls constitution, which had been framed and adopted during the year under the authority of the Territorial Legislature, though it had been inaugurated under circumstances that indicated a weakening of the division sentiment, proved to be one of the strongest arguments before Congress, reaching the "fair play" sense of members without regard to party. More encouragement for division appeared to come from outside Dakota; the result of the Sioux Falls convention, with the unobjectionable and able state constitution it had produced, and which gave Dakota an uplift in popular estimation the entire country over.

#### LOUIS K. CHURCH APPOINTED JUDGE

Louis Kossuth Church was appointed associate justice of the Supreme Court of Dakota Territory, to succeed Judge Seward Smith, of the Fifth, or Huron District, in November. Judge Smith had not expected him, and had appointed a term of court at Milbank, for which point he left about a half hour after the arrival of his successor. Judge Church came from Hicksville, Long Island, New York, where he had been engaged in the practice of law. He distinguished himself as a member of the New York Legislature, while Grover Cleveland was governor, by his opposition to all jobs, thus attracting Cleveland's favorable attention because of his honest devotion to the public service. Mr. Cleveland wished evidently that this young attorney was a citizen of Dakota, and he possibly concluded that it would not be a serious breach of his declaration to appoint him

to a judgeship in the great territory that was at the time attracting the world's attention.

Mr. Smith bore an irreproachable character and a reputation for learning and ability that had earned for him the confidence of the people of his district. Mr. Cleveland was a civil service reformer, and cherished the honor of doing something to restore the practice in vogue in the early days of the republic when Federal servants were allowed to retain their places during good behavior, and men held office for a quarter of a century or more without thought of being removed because of their political party associations. While entertaining such unselfish and patriotic sentiments, the President's career disclosed a purpose to build up a substantial foundation for the new system by placing a major portion of the subordinate offices of the country in possession of the democrats.

Judge Church was born in New York in 1846. His education was received at Claverick Institute, near Hudson, and the Polytechnic Institute of Brooklyn. He studied law with Judge Nathan B. Morse, later a judge of the State Supreme Court. The father of Judge Church was a lawyer. For three successive terms Judge Church had represented his district in the General Assembly of the state, and was a member at the time of his judicial appointment. Theodore Roosevelt was a member at the same time, and the twain worked in unison for reform.

Judge Smith was said to have been removed on charges other than political, one of which charges being that he was lazy and held court while abed. The foundation of this charge was explained by the judge. His district included twenty-three of the forty-eight counties south of the forty-sixth parallel, and contained 150,000 people. Judge Smith found the duties so pressing on his circuit that he could not attend to them by daylight, and was obliged to hear motions in his lodgings, when he was so nearly exhausted that he would lie down on a bed or lounge while the attorneys were speaking. There is no doubt that this condition existed in nearly all the judicial districts, and Congress at the current session added three additional districts and judges to the Supreme bench. Laziness may have been assigned as the reason for Smith's removal, but the fact was that many of the republican hold-over officials were tardy about resigning, which was expected after a reasonable time had elapsed. Secretary Teller tarried too long and was "elbowed out" for that reason. Democrats average up well with the rest of mankind, but they can't stand quietly and patiently by and see a republican holding office under a democratic administration.

In the meantime the President had been issuing commissions to his new appointees in Dakota as the terms of the former occupants expired, and in some cases of extreme tardiness he hastened the expiration by a few months.

W. B. McConnell, of Fargo, was appointed to succeed Judge Sanford A. Hudson, of the First Judicial District, in May, 1885. McConnell had resided at Fargo five years and was engaged in the practice of law. He removed from Indiana to Fargo, and had been an attorney of the Northern Pacific Railroad Company.

Maris Taylor, of Yankton, was appointed surveyor general about the same time, to succeed Cortez Fessenden, formerly of Michigan.

John E. Carland, of Bismarck, was appointed United States attorney, to succeed Hugh J. Campbell. Campbell had sent his resignation some time before. Carland was a son of Major Carland, stationed at Fort Abraham Lincoln.

E. W. Miller, a prominent Elk Point attorney, was appointed receiver of the Huron Land Office, relieving George B. Armstrong, and John S. McFarland was appointed register, to succeed Major Lowery.

In December the President appointed William W. Anderson, of Bardstown, Ky., Indian agent at Crow Creek and Lower Brule, Dak., vice John G. Gassman. Gassman had been an efficient, honest, but somewhat unpopular, as agent among the whites of the country involved in the dispute over the rights of the Indians. Gassman understood this unfriendly sentiment, but was not disturbed



by it; he said that he had tried to be an agent of the Indians, not of the whites. About the same time C. E. McChesney, of Brown County, Dak., was appointed agent at Cheyenne agency. Israel Greene, of Davison County, agent at Sisseton; J. W. C. Ramee, agent at Devil's Lake, and James McLaughlin, agent at Standing Rock. J. S. McFarland, of Illinois, was appointed register of the Huron Land Office.

Mark W. Sheafe, of Elk Point, was appointed receiver of the Watertown Land Office, to succeed Charles G. Williams. Downer T. Bramble, of Yankton, was appointed register of the Watertown Land Office, to succeed L. D. F. Poore.

The Legislature of 1885 enacted a law establishing a railroad commission, and Governor Pierce appointed Capt. William M. Evans, of the Black Hills; W. H. McVay, of Yankton, and Alexander Griggs, of Grand Forks, as commissioners. Isaac E. West, of Bismarck, was appointed secretary.

Nathaniel T. Harris, of Vicksburg, Miss., was appointed register of the land office at Aberdeen, vice Charles T. McCoy. Harris was not a native southerner. He was a son-in-law of Judge Maccalister, of Iowa, formerly of the Court of Claims. Harris was a man of prominence in the democratic party south, and had been an unsuccessful candidate for Congress.

There was, comparatively, a large element of the republican party that had openly supported Mr. Cleveland for President, who were nicknamed "mugwumps," and it was not doubted that he owed his success to this element. New York cast the vote which decided the contest with Blaine, and gave Mr. Cleveland less than fifteen hundred majority, and he received all the republican votes that such leaders as Henry Ward Beecher and Harper's Weekly, edited by George William Curtis, could carry with them. None of the mugwump element, however, made an open fight in Dakota.

The political situation in Dakota was a novel one. The territory was overwhelmingly republican. A clause in the organic act gave to the governor of the territory the authority to appoint all officers of the territory which the laws of the territory established, and this number amounted to several score at the time Mr. Cleveland assumed the presidency, and indirectly but surely placed it in the power of the President to influence the appointment of this numerous official body. Governor Pierce's appointments, as a rule, were quite satisfactory to the people, who, anticipating the early admission of at least the southern half of the Dakota empire as a state, gave the matter little attention.

Hon. E. C. Caldwell, of Minnehaha County, was appointed territorial auditor in place of George L. Ordway. This was among the early acts of Pierce's administration, and accorded with public sentiment. J. W. Raymond, of Bismarck, was appointed territorial treasurer to succeed Mr. W. H. McVay, of Yankton, whose private business required the greater part of his attention at Yankton, where he resided. Mr. McVay, however, was given a place on the first board of railway commissioners, which had been authorized by the laws of 1885.

A change in the United States marshalship for the District of Dakota was made by President Cleveland in October, 1885, and Daniel W. Maratta, of Bismarck, was appointed to succeed Gen. Harrison Allen, of Fargo. Captain Maratta was connected with the steamboat interests of the Missouri River as the active representative of the Coulson line, which operated a fleet of the finest freight and passenger boats on the river. Maratta was a native of Ireland, but came to this country at an early age, and had become thoroughly Americanized and also westernized by a residence at Bismarck beginning in 1872, when that point was known as Edwinton, and the railroad had not reached it. Captain Maratta was forty-eight years of age, and in the prime of an active and busy life. He had for many years been identified prominently with the transportation business of the Missouri, and also with the energetic life of Bismarck. His appointment to the marshalship was not due to the leaders of the democratic party of Dakota, but to the personal recommendation of Gov. Samuel J. Tilden, of New York, an old



personal friend, and also to his own excellent qualifications and character. Maratta's friends and long-time acquaintances predicted for him a successful administration of the office. He proved to be one of the best of President Cleveland's Dakota appointments. The contest for the appointment for this office had been between two of the eminent democrats and excellent citizens of Dakota, Capt. Dan Maratta, of Bismarck, and Hon. M. L. McCormack, of Grand Forks. Maratta won and McCormack was the first to congratulate him after his appointment.

Hon. M. L. McCormack was appointed secretary of the territory, to succeed Hon. James H. Teller, republican, November 27, 1885. There were no charges against Mr. Teller, a fact of which he was assured in a letter from the Secretary of the Interior. Michael L. McCormack was born in Susquehanna County, Pennsylvania, November 26, 1847, and located in Grand Forks in the spring of 1871. He was captain of the steamboat Alpha, of the Red River Transportation Company, when all the freight and passenger business for that portion of the northwest country was transported down the Red River from Moorhead and Fargo. In 1873 Captain McCormack went into the mercantile business, under the firm name of Griggs, Walsh & Co., at Grand Forks, which firm, after doing a successful and prosperous business, sold in 1879 to Lyons & Doheny. In 1882 the Grand Forks Roller Mill Company was organized, of which Captain McCormack was made president and general manager, he owning a large share of the stock. He was president of the Grand Forks National Bank, organized in 1884, and was the nominee for Congress on the democratic ticket in 1880. The appointment of Mr. McCormack met the approval of the people, though he succeeded one of the ablest and most efficient officers Dakota had ever been favored with in any capacity.

Hon. Bartlett Tripp, of Yankton, was appointed chief justice of the Supreme Court of Dakota Territory on Monday, November 23, 1885. He succeeded Judge Edgerton, who had resigned. Mr. Tripp was a Dakota pioneer, coming to the territory first in 1861 with an elder brother, also a lawyer and an Iowa pioneer of the early '50s. A later visit resulted in Mr. Bartlett Tripp's becoming a permanent settler and citizen in 1869.

Mr. Tripp was a democrat and had nearly landed the delegateship to Congress in 1878, when he ran against Judge Bennett, and came nearer a victory than any democrat that ever tackled the republicans, except Todd, in 1862, and Armstrong, in 1870-72, who had the advantage of a divided republican party. His appointment as chief justice was greeted with honest satisfaction by the people; in truth, there was little partisan rejoicing over it, but there was an unanimous and hearty approval of it.

At this time, as has been noted, there was manifested a disposition on the part of some of the democratic leaders of the territory to oppose the division of the territory. This was directly in conflict with the earlier and for all past time position of the democrats, and Mr. Tripp had been largely instrumental in the promotion of every step that had been taken to promote division and statehood, and he still adhered to his position, in which he was ably sustained by Ziebach, Day and others. But there was considerable democratic opposition which had become mixed in with the Ordway and McKenzie influence in favor of one state, and the democratic ingredient in the combination was not pressing even one state—they appeared quite well satisfied with the status in quo, so long as the democrats held the reins of government.

About this time a very judiciously worded circular letter was issued by a number of democrats, none of whom were politicians, and appeared to have been actuated by the most commendable and patriotic motives, showing that Mr. Tripp and his party friends who were with him on the division and statehood questions, had the support of much of the substantial strength of that party. This circular letter appears to have been prepared in Sanborn County, and was addressed to members of Congress of the democratic party, and was signed by numerous



ROOSEVELT RANCH BUILDINGS  
On Little Missouri River, Dakota, 1884-86



THEODORE ROOSEVELT  
Live-stock raiser, Billings County, Dakota Territory,  
1884 to 1896



democratic citizens, led by George W. Corkings, president of the Sanborn County Bank, at Woonsocket, Capt. G. S. Nave, a leading business man, and scores of others. We give the letter in full:

Woonsocket, Dakota Territory, November 20, 1885.

Dear Sir:—As citizens of Dakota and members of the democratic party, we would call your attention to a bill which will doubtless be presented to your next honorable session of Congress, for the division of this territory on the forty-sixth parallel and the admission of the south half as a state. It is needless to state to you that our population is over a quarter of a million, or the many reasons why it is due to the citizens of Dakota that reasonable legislation on this question should be given us. The fact that a few of our party are opposed both to division and admission is accounted for by the reason that nearly every one of them is a candidate for some political favor under the present administration. We, as voters of the party protest against the impression which is being made that as a party the democrats in the territory are opposed to division and admission. The facts are indisputable, that of the rank and file of the party, three fourths at least are favorable to the passage of a bill by Congress to divide the territory on the forty-sixth parallel, and for the admission of the south half. Believing that our party in Congress will rise above partisan motives and do justice to the whole, we ask your support of this measure. We believe that it will not only be doing by us that which we are entitled to, but will also be of great advantage to our party in this territory or state in the future.

It is a fact that to-day in South Dakota, on any national issue, the parties are much more evenly divided than is generally supposed, and that hundreds of democrats voted at the late election with the republicans, for the reason that we had no democratic ticket in the field, and that they were favorable to the admission of South Dakota.

We further believe that within the next four years, if we are admitted under a democratic administration, South Dakota will go democratic. We, the representative men of the party in this territory, having invested our means here with full faith in its bright future, believe our interests should have consideration. Eastern capitalists look with much disfavor on investments here, particularly on account of our territorial government. This, with numerous other good reasons well known to you, is why we ask that you give this question your honorable consideration.

This Sanborn County circular was sent direct to congressman by citizens who had an acquaintance with the official, and could give the best references back in the states from whence they came. Hundreds and possibly thousands were sent from all parts of the territory, in a quiet businesslike way. It will be observed that at the next session and following session there was encouraging activity among the democratic congressmen in the matter of Dakota's division, and particularly its statehood.

Mr. Springer, the leader, set to work to induce a democratic territory to prepare for admission as an offset to Dakota's staunch republicanism. There were Montana and New Mexico that were presumed to favor the democratic side, and the plan to admit more than one state became plainly manifest before the session was half concluded. Mr. Springer and his compeers in Congress could have facilitated the passage of bills at an earlier day, but the existing situation, viewed from a party standpoint, with the democrats enjoying all the patronage of the great territory, as well as national, did not suggest any necessity for undue haste. It would seem to have been a part of Mr. Springer's wise plan to make a conspicuous parade of his industry in the matter, having due regard to a very moderate progress, which was unavoidably impeded by obstacles that required time to surmount. But there was no backward step.

Delegate Gifford was quite sanguine, before the session opened, that he would be able to get his measures through providing for admission and division. He said:

It will require only twenty-one of the forty-two democratic majority to carry my bill through. I think I can count twenty-five democratic congressmen at least, whom I am sure are interested enough in the general welfare of the country to turn aside from the path of partisanship and vote to give the citizens of Dakota their rights.

#### THEODORE ROOSEVELT A DAKOTA LIVE STOCK GROWER

Hon. Theodore Roosevelt, of New York, visited Dakota in 1883, early in the fall, with the purpose of taking part in hunting the buffalo. He was fond of the



chase, and found the exercise a promoter of health. He came into the territory as a passenger on the Northern Pacific, and finally located his hunting camp on the eastern edge of the bison range in the Little Missouri Valley, in Billings County. He had never before engaged in this exciting and exhilarating sport, but he greatly enjoyed it, being an expert with the rifle, and during his first hunt was able to bring down one of the finest in the herd, which in fair numbers had their feeding grounds in the northwest portion of the territory and Montana adjoining.

At that time the section of Dakota in which Mr. Roosevelt was a sojourner was thinly populated, and its few scattered ranches were those of the live-stock men who fattened their animals on the nutritious buffalo grass which covered the plains, and Mr. Roosevelt, perceiving that the growing of cattle there was a profitable industry, was induced to engage in it. The result was that he bought out a company already established, employed some experienced and trustworthy overseers, and became a live-stock man. He did not remain in the territory during the winter, but left his interest in charge of his overseers; and during 1883 and for two seasons following, added largely to his herd, until it numbered about three thousand head, which he divided into two herds, and established a separate ranch some thirty miles below the first, which was near Medora, the postoffice on the Northern Pacific crossing of the Little Missouri.

During his subsequent several visits to his ranches, which usually covered several months, he took an active part in the work of the employes, thus becoming familiar with all the details of the business. He also gave valuable assistance to the law and order element of the country, was widely known and highly regarded. He did much by example and precept that was of permanent benefit to the morals of the inhabitants of a wide scope of Dakota and Montana. No one did more. It was during this time that he became acquainted with Seth Bullock, of Lawrence County, who was also a live-stock grower, and owned a ranch on the Belle Fourche, eighty miles distant from the Roosevelt ranches; but the twain exchanged occasional visits. The acquaintance ripened into a friendship that was never broken, and gave birth to incidents of considerable importance to Dakota.

In 1885 Dakota had passed through the first session of the Legislature held at Bismarck, which had been fruitful of much useful and commendable legislation, and the future famous American, from his ranch in the Bad Lands, wrote as follows to the *Century Magazine*:

I have had opportunity of knowing something about the workings of but few of our State Legislatures. From what I have seen and heard, I should say that New York stands about on a par with those of Pennsylvania, Maryland and Illinois; above that of Louisiana, and below those of Vermont, Massachusetts, Rhode Island and Dakota, as well as below the National Legislature at Washington.

Mr. Roosevelt experienced almost every phase of frontier life during his long sojourn in Dakota, and one of these being strikingly characteristic of the man is here given in his own language. He had previously commented upon the free and easy custom of the Indians and an occasional frontiersman, in treating the ownership of personal property, particularly horses and cattle, and then proceeds:

On the other hand, parties of savage young bucks would treat lonely settlers just as badly, and in addition sometimes murder them. Such a party was generally composed of young fellows burning to distinguish themselves. Some one of their number would have obtained a pass from the Indian agent, allowing him to travel off the reservation, which pass would be flourished whenever their action was questioned by bodies of whites of equal strength. I once had a trifling encounter with such a band. I was making my way along the edge of the bad lands, northward from my lower ranch, and was just crossing a plateau when five Indians rode up over the further rim. The instant they saw me they whipped out their guns and raced full speed at me, yelling and flogging their horses. I was on a favorite horse, Manitou, who was a wise old fellow, with nerves not to be shaken by anything. I at once leaped off him and stood with my rifle ready.

It was possible that the Indians were merely making a bluff and intended no mischief. But I did not like their actions, and I thought it likely that if I allowed them to get hold of me they would at least take my horse and rifle and possibly kill me. So I waited until they were a hundred yards off and then drew a bead on the first. Indians—and, for the matter of that, white men—do not like to ride in on a man who is cool and means shooting, and in a twinkling every man was lying over the side of his horse, and all five had turned and were galloping backwards, having altered their course as quickly as so many lead ducks.

After this one of them made the peace sign, with his blanket first, and then, as he rode toward me, with his open hand. I halted him at a fair distance and asked him what he wanted. He exclaimed, "How! Me good Injun, me good Injun," and tried to show me the dirty piece of paper on which his agency pass was written. I told him with sincerity that I was glad that he was a good Indian, but that he must not come any closer. He then asked for sugar and tobacco. I told him I had none. Another Indian began slowly drifting toward me in spite of my calling out to keep back, so I once more aimed with my rifle. Whereupon both Indians slipped to the other side of their horses and galloped off, with oaths that did credit to at least one side of their acquaintance with English. I now mounted and pushed over the plateau on to the open prairie. In those days an Indian, although not as good a shot as a white man, was infinitely better at crawling under and taking advantage of cover, and the worst thing a white man could do was to get into cover, whereas out in the open if he kept his head he had a good chance of standing off even half a dozen assailants. The Indians accompanied me for a couple of miles. Then I reached the open prairie, and mounting Manitou, resumed my northward ride, not being further molested.

In 1896 Mr. Roosevelt sold his cattle and ranches and retired from the plains, thereafter devoting his time to national affairs.

## CHAPTER XCVI

### SEMI-DECENNIAL CENSUS

1885

DEMOCRATIC CONVENTION AT ABERDEEN—DAKOTA DEMOCRATS NOT UNITED—CROP REPORT—SEMI-DECENNIAL CENSUS—DEATH OF EX-PRESIDENT GRANT—TERRITORIAL BOARD OF AGRICULTURE—KNIGHTS OF PYTHIAS—RAILROAD COMMISSION ORGANIZED—GIFFORD TALKS WITH CLEVELAND—RAILROAD TO THE BLACK HILLS—RAILROADS IN NORTHERN DAKOTA—CROW CREEK RESERVE—GOVERNOR PIERCE INVESTIGATES—SETTLERS DISTURBED—OUSTING PIERRE SETTLERS—CLEVELAND'S RECOMMENDATION—FEDERAL SECTION OF PRISON—INSANE HOSPITAL—ICELANDERS—SILVER PURCHASE—SUPREME COURT—LOUNSBERRY—MANDERSON.

#### DEMOCRATIC CONVENTIONS

The democrats held no state convention in 1885, therefore had no ticket in the field at election time. In addition to the opposition of the Democratic Central Committee, as indicated at the Mitchell meeting, a democratic convention was held at Huron at the time of the holding of the Republican State Convention, which had been called by the Democratic Central Committee of Beadle County. The attendance was quite general. It was a mass convention. R. S. Haliday, of Spink, was elected chairman; Major Howe, of Brown, secretary. Seats were given to all the delegates present.

A motion was made by Delegate Brown, of Beadle, to indorse the recommendation of the Territorial Constitutional Committee regarding voting at the constitutional election. Two hours' debate followed, and the motion was finally voted down.

The Resolutions committee offered the following resolutions, which were adopted:

1. That it is the duty of democrats to oppose the partisan constitution framed at Sioux Falls, to be submitted to a vote of the people of Dakota, November 3d, after the refusal of the republican party to incorporate minority representation into the body of the constitution, and because the republicans threaten to defeat minority representation at the polls.
2. That we consider it the duty of every democrat in South Dakota to vote for minority representation and against the said constitution.

A committee of five, consisting of C. C. Frost, of Beadle, J. W. Hatch of Potter, George Henry of Brookings, Major Howe of Brown and P. S. Runkle of McCook, was appointed to organize and secure as full a democratic vote as possible in opposition to the constitution.

[The constitutional convention of 1885, and in fact all the conventions having to do with the state movement, including conventions that nominated the state ticket, will be found in the chapters giving an account of the prolonged effort to secure admission to the Union.]

#### DAKOTA DEMOCRATS NOT UNITED

As a rule the democrats as well as the republicans had supported the movement in the territory which favored its division on the forty-sixth parallel, and the admission of the southern half into the Union as a state. This was the desire

of the people generally regardless of party and was based on the general belief that the territory was too large and unwieldy for one government, that the interests of the two sections were diverse and would always remain so, which would entail perpetual wrangling and hostility between the sections in its Legislature, its conventions of whatever kind, and would be a continual source of intrigue. All this had grown up naturally enough during the long territorial career of Dakota, and this condition was not in the least the result of party politics, for the partisanship question, on the lines of democracy and republicanism, had never cut any figure whatever in the career or the development of the territory. The over-weighted republican party had been responsible for about all the important incidents that had checkered the territorial annals, and it may be said that strictly party influences had never intervened to establish a territorial institution, define or organize a county or a judicial district, or secure any sort of a public improvement. The conclusions of the people regarding the issues of statehood and division had been reached by considerations almost wholly based on the public welfare, and would indicate the slight importance of party predilections when a matter of that kind engages the serious attention and study of the people.

But the incoming of a democratic administration awakened some new thoughts and ambitions among a portion of the people of the territory. And these new-born fancies took possession of the minds of many of the active and leading democrats of the territory who saw in the declaration of Mr. Cleveland regarding the political patronage of the territory opportunities they had never before enjoyed, and opportunities that the early success of division and admission of a state would entirely dissipate and destroy—a very reasonable conclusion. Hence it was observed that a remarkable lukewarmness had supplanted the former devotion to division and statehood in many democratic hearts, and the discovery that many evils that would, if permitted to germinate and become rooted in Dakota, seriously afflict the people, and a patriotic regard for the general welfare moved them to call a halt and sound the alarm before the people had become enmeshed inextricably in the traps of a divided territory and a state government.

In order to give authority and due solemnity to this public welfare movement the Democratic Territorial Committee was summoned in October, 1885, at Mitchell, a few weeks before the election when the new state constitution framed at Sioux Falls was to be voted upon. Mr. D. M. Inman, of Vermillion, was chairman of the committee, and presided at the Mitchell meeting, which was attended by a number of prominent democrats not members of the committee, the purpose being to give it the character of a representative body, which it was, though it did not have the support or sympathy of such leaders as Bartlett Tripp, Captain Ziebach, M. H. Day and their followers. The incident brought out the **fact that the democracy of the territory was not united.**

The committee also took up the subject of Federal patronage, which it was claimed was the strong underlying purpose for calling the meeting. A committee was appointed and given authority to represent the democracy of Dakota before the President and at the departments in Washington in the matter of appointments, and Mr. Inman was made chairman. This action meant a conflict with the democratic appointment bureau already established and doing business at Washington under direction of National Committeeman M. H. Day.

President Cleveland had said that he should appoint the Federal officials for Dakota from the citizens of the territory. The governorship of the territory was the most important office, and the democrats of the territory had united, with remarkable unanimity, in recommending Capt. Frank M. Ziebach, the pioneer, and the pioneer squatter governor, for the place. Mr. Day had undertaken, in connection with his work, to secure the appointment of governor for Mr. Ziebach, and had secured petitions with thousands of signatures appended urging the President to appoint him, and Mr. Ziebach had visited Washington, mingled with the luminaries of his party in the nation, paid his respects to the President,



and returned to his Dakota lodge in an excellent frame of mind, confident that whenever the President made a change in the governorship of the territory the new incumbent would be the head of his own family. It was rumored that Mr. Inman, the Vermillion banker and also a New Yorker, would have been glad to have stepped into Ziebach's place as a promising candidate at this time, hence the Mitchell meeting.

The address, however, was mainly directed against the Sioux Falls constitution, then pending, and many of the points and faults alleged against it had already been promulgated by ex-Governor Ordway, who was fighting the two-state movement to the best of his ability at Washington, which would indicate a community of interest and an understanding between the ex-governor and the Inman democracy. The Ziebach men and the two-state people named the Inman phalanx the "Ordway democrats," and thus they were distinguished for years, or until statehood was accomplished.

Addresses sent out to the people denounced the Sioux Falls Constitutional Convention, in words and phrases, as follows, namely:

First. The entire proceedings are revolutionary and antagonistic to the best interests of the people of Dakota.

Second. We deny the right of one part of the territory to separate itself from the other without the expressed consent of the people of the whole.

Third. The attempt to force a recognition of a part of Dakota as a state, and appropriate the name of the whole for a part, is a proceeding unauthorized by law and a flagrant injustice to those of our citizens who are deprived of the privilege of being heard for or against the measure.

Fourth. The act passed by the last Legislature authorizing the convention at Sioux Falls and appropriating \$20,000 to defray the expenses thereof was, in our judgment, unauthorized by the Organic Act of the territory, or by any law of Congress, and therefore void.

Fifth. The fact nine-tenths of the voters of the proposed state declined to join in the election of delegates to said constitutional convention indicates that the people are not in sympathy with the constitutional movement.

Sixth. We believe that the interests of the people of the territory of Dakota will be best subserved by awaiting the proper action of Congress in passing our enabling act, authorizing the holding of a state convention to frame a state constitution embracing such territory as the people, not the politicians, shall determine. We believe this action will be taken by Congress soon to assemble. We, therefore, as a committee, decline to call a convention for the nomination of officers of the proposed state, believing as we do, that the whole proceeding will prove to be a gigantic farce, and recommend that the democrats of Dakota and all law-abiding citizens generally decline to take any part whatever in the proceedings.

Resolved, That an Executive Committee, consisting of the following named persons, be and they are hereby appointed: D. M. Inman, chairman, Vermillion; P. B. McCarthy, First District, Rapid City; J. S. Foster, Second District, Mitchell; W. F. Joy, Third District, Grand Forks; A. Boynton, Fourth District, Lennox; G. J. Smith, Fifth District, Miller; John C. Hollemback, Sixth District, Bismarck.

Second. That said committee shall have power to represent the democrats at Washington, and that all recommendations for federal appointments be made by and through it.

Third. That said committee, in making recommendations, shall confer with the local members of the Democratic Central Committee in the several districts in which said appointments are to be made, and shall in all cases, unless some grave objection appear, be guided by and act in accordance with the endorsement made by said local members.

Under the circumstances and granting to selfish human nature its ordinary influence in matters of this nature, it is not at all remarkable nor censurable that the democrats, after twenty-four years of waiting in the lonesome camp of the reserves, charitably and respectably known as the minority, should feel reluctant to give up the present and prospective benefits that would come to them from all the Federal positions, and the one hundred or more territorial offices that a democratic governor could appoint, with much of the patronage of the territorial institutions. There will be no harsh judgment passed upon them because of their refusal to join in a movement that if successful would surely sever the only tie that secured to them all the fruits of victory, and voluntarily return to their barren board with scant hope of ever again being so near a sumptuous party banquet. Such patriotism might have been commended, but—put yourself in their place. Had conditions been reversed, there is no reason to believe the

republicans would have displayed the heroic spirit, and turned their backs upon the power, as well as perquisites, which were assured by continuing the territorial government.

A territorial democratic convention was held at Aberdeen on the 22d of December, called by L. C. Johnson (Ordway Johnson), for the committee. The purpose of the gathering was not given out, but owing to the turbulent condition of political party matters and the anxiety felt in the matter of Federal appointments in Dakota, which were in the transition stage from the republicans to the democrats, these conventions were of occasional occurrence. There were 135 delegates in attendance at Aberdeen. It appears, from subsequent revelations, that the purpose Mr. Johnson had in calling the convention was to get an authorized expression from the party regarding Federal appointments in the territory, the Hon. M. H. Day, democratic national committeeman, having so far assumed to direct the matter of endorsing all Dakota candidates for Federal position, and he had either designedly or with "malice aforethought" neglected to recognize Mr. Johnson. Johnson expected to control the convention—in fact, he did not expect anyone would attend it except his friends—and he had his program all laid out on that theory, but Day's friends had learned of Johnson's program and enough of them attended to control, and elected Bartlett Tripp as chairman, a friend of Mr. Day, and defeated Mr. Walsh, the Johnson candidate. George Henry, of Brookings, and W. S. Montgomery, of Brown County, were elected secretaries. The convention was expected to give an expression in opposition to a division of the territory, the election of Mr. Cleveland having put a new face on that proposition, and the convention had been called to meet in the central portion of the territory in order to get the advantage of a large local attendance, the anti-division sentiment being quite pronounced through the central portion of the territory for obvious reasons.

A committee on resolutions was appointed, composed of Messrs. Bowers, of Brown County, Foster, of Beadle County, Boynton, of Lincoln, McCormack, of Grand Forks, Wynn, of Minnehaha, Lewis, of Grant, Inman, of Clay, Ziebach, of Bon Homme, Redick, of Cass, Walsh, of Spink, and Keith, of Brookings.

A committee on permanent organization was also appointed, consisting of Inman, McCormack and Bowers, which reported at once in favor of making the temporary organization permanent, and the report was adopted.

A committee was also appointed later to report a plan for organizing the democratic party in the various counties of the territory, in very few of which an organization existed. This committee consisted of Messrs. Pierce, of Codington, Dunn, of Sanborn, Hughes, of Hughes, Eagle, of Brown, and Rawley, of Davison.

The resolutions committee reported as follows:

Resolved, That we most heartily endorse the course of the present administration, touching territorial and national affairs.

Resolved, That we favor and fully endorse the action taken by our National Convention and followed by President Cleveland with reference to selecting Federal officers from actual residents of the territory, and earnestly implore the President to ignore carpet bagism and enforce the democratic resolution.

The other resolutions favored the opening of the Sioux Reservation, a tariff for revenue only, and sanctioned the action of the President in ordering cattlemen from the public lands.

The committee also reported a resolution tendering the thanks of the convention to both the territorial and national committees for service to the party. This resolution brought out strong objection from a number who objected to and who denounced the action of National Committeeman M. H. Day. And the resolution was finally placed on the table. It was clearly the sentiment of the members that Bartlett Tripp should succeed Judge Edgerton as chief justice, but no action was taken or sentiment expressed regarding the governorship.

After the adjournment, in the evening Hon. Bartlett Tripp made a public address, which was well received.

#### CROP REPORT

The official report of the wheat crop of the territory for 1885 was favorable to the farmers. Prices were fairly good, with an upward tendency. During October the prices paid the farmers were from sixty-four to seventy-two cents. The September report of the Department of Agriculture had Dakota's wheat average 96; Minnesota, 78; Iowa, 88, and Wisconsin, 77. The total crop yield in Dakota was about twenty-five million bushels, and the crop throughout the country and in Europe was below the average. The corn crop was larger than in 1884, but suffered materially from early frosts, except in the southern counties bordering on the Missouri River.

Dakota was credited by Immigration Commissioner Dunlap, territorial commissioner, with an increase of 20,000 people in 1885, making the total population 430,000. Of this number he gave to North Dakota 160,000, and South Dakota 276,000.

Another way of stating the marvelous growth and development of the Territory of Dakota, which would seem to make the notable subject not difficult of comprehension by those not resident of the territory at the time, and will also furnish food for healthful and valuable reflection to the intelligent generation of native Dakotans who were then in their infancy, childhood and youth, and not observant of the remarkable activities transpiring around them, to say nothing of the then unborn multitude who will feel an interest in some of the ultra-progressive years their ancestors experienced. The facts and figures and statements are all of the most reliable character, and were compiled and furnished by the department of agriculture maintained by the National Government at Washington. It was given to the public in October, 1885.

The progress of settlement in Dakota has been a marvel of activity and enterprise. In 1880 the population was 135,177. The present territorial census makes it 415,664, of which there is in Southern Dakota 262,515 and 154,149 in Northern Dakota. The number of farms in 1880 was 17,435. They are now reported at 82,477, of which 44,656 are in the southern section and 37,811 in the northern section. So eager has been the quest for free farms in this easily cultivated and fertile region that the territory outranks seventeen of the thirty-eight states in the number of existing farms. It will be a surprise to many that the number of farms in Dakota in 1885 is greater than was the number in Nebraska in 1880. It exceeds the number in Maine, and, of course, that of every other New England state. It surpasses the aggregate of California at that date, and of Maryland, and of Delaware. It is greater than the combined number of Massachusetts, Rhode Island and Connecticut, and more than all the farms of Oregon, Nevada and Colorado in the West, and Rhode Island, Delaware and Florida in the East, the six states taken together—nor are these farms all skeleton homesteads. There are five times as many people in the territory as there are farms, and production looms grandly. In the estimates of this department of more than five hundred million of bushels of wheat last year, Dakota took position as the eleventh in rank in wheat production. No state east of the Alleghenies or south of the Ohio stood before it, and even Wisconsin held a low place.

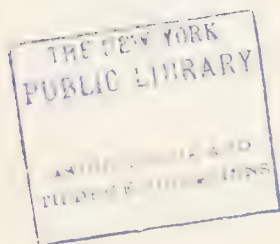
In his annual report to the department of the interior, submitted in November, 1885, Governor Pierce furnished the following comparison of the aggregate of farm products produced in 1880 and 1885. The increase indicates with striking emphasis the remarkable growth of the territory during that five years:

	1880, Bushels.	1885, Bushels.
Barley .....	277,424	2,166,864
Corn .....	2,000,864	7,800,574
Oats .....	2,217,132	22,070,098
Wheat .....	2,830,289	38,166,413
Flax .....		2,162,068
Hay, tons .....	308,036	1,502,133
Potatoes .....	664,086	3,873,605



TYPICAL SCENE ON THE MISSOURI RIVER  
bottom land, the river, and a strip of Nebraska in the background





## AGRICULTURE

Barley .....	11,479	11,478
Corn .....	9,000	9,000
Oats .....	7,820	7,820
Wheat .....	2,227,192	2,227,192
Farms, number .....	17,435	17,435
Acres .....	1,189,541	1,189,541
Value .....	\$22,919,884	\$22,919,884
Implements .....	\$2,392,000	\$2,392,000
Livestock .....	\$1,000,274	\$1,000,274
Farm products .....	\$5,048,814	\$5,048,814
Horses and mules, number .....	44,373	211,920
Oxen .....	11,418	11,418
Cows, number .....	40,572	171,149
Other cattle, number .....	92,149	623,258

The governor issued a Thanksgiving proclamation November 13th, 1885, in which he asserted that the citizens of the territory had more than ordinary cause for thankfulness. "Though ill fortune had attended some, the masses have been abundantly blessed." "Peace and plenty are upon the land, and prosperity in all its borders." Thursday, the 20th, was designated as Thanksgiving day.

## SEMI-DECENNIAL CENSUS

Under the Federal census law passed in 1870, providing for the census of 1880, Congress also enacted that the Government would extend financial aid to states and territories for taking a semi-decennial census. Maj. A. W. Edwards, of Fargo, editor of the *Argus*, was appointed supervisor of the census for North Dakota by the governor, and Robert B. Fish, of Hughes County, was appointed for the southern district. The Territorial Legislature of 1885 provided a law governing the work, and named the compensation of the supervisors. The law of Congress appropriated a lump sum for this work in all states and territories that would co-operate, which sum amounted to \$1,250,000. When this sum was distributed it was found that Dakota had had the largest increase of population in proportion to her population, and received \$30,678 of the Federal donation. The various schedules included in this census were first, population; second, productions of agriculture; third, productions of industry; fourth, mortality, but No. 4 was afterwards cancelled. These were the items required by the Federal Government, but there was no denial to the territory of the privilege of enlarging the list.

The enumeration and statistics were taken and gathered in June, 1885, and returns made to the governor, and by him transmitted and delivered to the President of the United States. By the following table, compared with the census of 1880, which gave the entire territory 135,700, it will be seen that a number of counties had nearly doubled, and the population had increased about two hundred per cent.

Counties	Population	Counties	Population	Counties	Population
Alfred .....	13	Burleigh .....	5,354	Douglas .....	3,801
Aurora .....	5,950	Butte .....	1,681	Dunn .....	802
Barnes .....	6,093	Campbell .....	1,106	Eddy .....	803
Beadle .....	10,318	Cass .....	2,085	Edmunds .....	2,142
Benson .....	1,255	Cavalier .....	3,000	Fergus .....	1,400
Billings .....	737	Charles Mix .....	4,022	Ewing .....	50
Bon Homme .....	7,449	Clark .....	1,802	Fall River .....	472
Bowman .....	162	Clear .....	6,201	Faulk .....	3,120
Butte .....	808	Codington .....	114	Hamlin .....	84
Brookings .....	8,288	Custer .....	4,002	Haute River .....	400
Brown .....	12,244	Davison .....	1,220	Grant .....	2,202
Brule .....	7,424	DeSmet .....	79	Greene .....	1,752
Buffalo .....	864	Deuel .....	4,420	Harrison .....	1,000
Buford .....	524	Dickens .....	1,000	Hector .....	1,757
Burdick .....	75	Dock .....	1,000	Hill .....	7,007

Counties	Population	Counties	Population	Counties	Population
Hanson .....	3,933	Mercer .....	254	Stanley .....	653
Harding .....	43	Miner .....	4,928	Stanton .....	322
Hettinger .....	63	Minnehaha .....	13,857	Stark .....	1,507
Hughes .....	5,208	Moody .....	5,189	Steele .....	3,080
Hutchinson .....	9,006	Morton .....	5,873	Stevens .....	55
Hyde .....	2,175	Mountraille .....	37	Stutsman .....	5,632
Jerauld .....	3,458	Nelson .....	3,031	Sully .....	3,233
Kidder .....	1,572	Oliver .....	327	Towner .....	366
Kingsbury .....	7,345	Pembina .....	11,510	Traill .....	8,119
Lake .....	5,432	Pennington .....	3,224	Turner .....	8,282
LaMoure .....	2,072	Potter .....	2,330	Union .....	8,017
Lawrence .....	10,326	Ramsey .....	3,271	Villard .....	200
Lincoln .....	7,598	Ransom .....	4,286	Wallace .....	46
Logan .....	336	Renville .....	31	Walsh .....	12,775
McCook .....	5,641	Richland .....	9,043	Walworth .....	1,412
McHenry .....	800	Roberts .....	2,154	Ward .....	257
McIntosh .....	390	Rolette .....	2,232	Wells .....	285
McKenzie .....	24	Sanborn .....	4,106	Williams .....	36
McLean .....	942	Sargent .....	3,234	Wynn .....	10
McPherson .....	1,422	Sheridan .....	40	Yankton .....	9,404
Marshall .....	2,187	Spink .....	10,446		

The total population was found to be 415,610, which included a few entitled to be enumerated on the Sisseton Indian Reservation, about one thousand people residing on a tract adjoining Brown and McPherson counties, and also sixty-five similarly situated in connection with Walsh and Ramsey counties, but the enumerator had given Stanley County a place in the census, when it was no part of the census territory, being wholly within the Big Sioux Reservation.

The population north of the 46th parallel, or North Dakota, was 153,078, and South Dakota 227,532.

North Dakota had a greater population than was found in the entire territory five years earlier.

#### DEATH OF GENERAL GRANT

General, and afterwards President of the United States for eight years, Ulysses S. Grant, died at Mount McGregor, New York, on the 23d of July, 1885. At the annual meeting of the Society of the Army of the Tennessee, held in Chicago, on the 9th of September, following, Gen. William Tecumseh Sherman, who had been Grant's most intimate military associate during the most important years of the Civil war, delivered the principal address, which was wholly devoted to the life and Civil war career of the great general, under whom the rebellion was finally subdued. In order that our young people, the school boys and school girls of our day, may learn something more of this remarkable man than can be gleaned from the ordinary histories of that momentous event, we have taken the liberty of transcribing the salient points of the address for this work, which is here produced:

Comrades of the Army of the Tennessee.—Again we are assembled in this goodly City of Chicago, pursuant to the resolution made at our last annual reunion of August 13 and 14, 1884, at Lake Minnetonka. This is our eighteenth annual reunion, though twenty even full years have transpired since the close of the war. I need not repeat to you the trite expression that our ranks are growing thinner, our hair whiter, and that eyes that look up to me and once kindled and flashed at the trumpets sound, now seem sad, as though envying the fate of these fine young fellows whose gay and gallant spirits took their flight in the glorious day, the memorials of which we have come together to celebrate. Though in war death makes the battlefield his harvest, yet in peace He insidiously invades the most sacred precincts, taking the innocent babe, then the gentle loving wife, again youth in lusty manhood, and kings on their thrones.

During our last vacation He has stricken from our list of members our very head and front—Gen. U. S. Grant. In the cold winter of 1861-2 he gathered together, at Cairo, Ill., the fragments of an army and led them up the Tennessee River. The creator and father of the Army of the Tennessee took his final leave of earth at 8 o'clock and eight minutes

on the morning of July 23, 1885, from Mount McGregor, a spur of the Alleghenies. In plain view of the historic battlefield of Saratoga he meted to the world his example. The lightning's flash carried the sad tidings to all parts of the civilized earth, and I doubt whether since the beginning there ever rose such spontaneous grief to bear testimony before high heaven that mankind had lost a kindred spirit and his countrymen a leader. His first war comrades concede to his family their superior rights, but claim the next place in the grand procession of mourners. We were with him in the days of adversity as well as prosperity, and were as true to him as the needle to the pole. We shared with him the trials and tribulations, as well as the labors and battles of Fort Henry, Donelson, Shiloh, Corinth, Iuka and Vicksburg. When that transcendent and most valuable of all victories turned universal gaze to our beloved countryman—to a new star in the West which plainly foretold the man who had dispelled the cloud which had lowered o'er our house, and who it was that led us to the triumphant victories of 1865, and to the stable, enduring prosperity of 1885.

Hundreds,—yes thousands,—of busy brains and pens are now trying to comprehend and describe this man who did so much in so short a time, to trace the mysterious causes of his most wonderful career, and to account for its known results. They look to us, who were his daily associates in that critical epoch, to aid them in their commendable work, and as your president I must on this occasion contribute my share.

In the year 1833 I was a first class man in the United States Military Academy at West Point, a position of exaltation never reached since, though reasonably successful in life,—and there appeared on the walls of the hall in "old north barrack" a list of new cadets, among which was "U. S. Grant." The crowd of lookers on read "United States Grant," "Sam Grant," "Uncle Sam Grant," and "Sam Grant" he is today in the traditions of the old Fourth United States Infantry. It afterward transpired his name was actually Ulysses Hiram Grant, and a mistake had been made by General Hamer, member of Congress who nominated him cadet from his district. Cadet Grant tried to correct this mistake at the beginning and end of his cadet life without success, and to history his name must ever be "U. S. Grant."

I remember his personal appearance at the time,—but the gulf of separation between a first class man and a plebian at West Point was and is deeper and wider than a general-in-chief and a private soldier in the army, so that I hardly noticed him. His reputation in the Fourth Infantry, in which he served during the Mexican war, and until he resigned his commission as captain in Oregon July 31, 1854, was of a good, willing officer, always ready for duty, extremely social and friendly with his fellows, but in no sense conspicuous, brilliant or manifesting the wonderful qualities afterwards developed in him.

I recall an instance when I met him at St. Louis in 1857, when he was a farmer in the country, and out of the military service. The only impression left on my memory is that I then concluded that West Point and the regular army were good schools for farmers, bankers, merchants and mechanics. I did not meet him again until the Civil war had broken out, when chaos had broken loose and the gates of hell wide open in every direction. Then came the news of General Grant's attack on the enemy's camp at Belmont on the 7th of November, 1861, soon followed by events at Columbus, Paducah, Henry and Donelson, all so simple, so direct, so comprehensible, that their effect on my mind was magical. They raised the dark curtain which before had almost hidden out almost all hope of the future, and displayed the policy and force of action, necessary to be followed persistently to achieve ultimate success. Great as were his after achievements, I shall ever rate those of Henry and Donelson among the best. Yet by one of those accidents so common in war, he had incurred the displeasure of his superior, General Halleck, whom I then esteemed as the master mind ruling and directing the several armies subject to his orders from his headquarters in St. Louis, so, that when in March, 1862, I was permitted to take the field from Paducah with a new division, I found General Grant at Fort Henry, under orders from General Halleck to remain there and to turn over the command of his army, then flushed with victory under his immediate leadership, to General Smith, his next in rank.

It so happened that General Smith had been adjutant and commandant at West Point when Grant and I were cadets there, and he was universally esteemed as the model soldier of his day. He had also acquired large fame in the Utah expedition, and in the then recent capture of Fort Donelson, so that General Grant actually looked up to him as an older if not a better soldier. Though Grant was at that time senior by commission, not a word of complaint came from him only the general expression of regret that he had been wrongly and unjustly represented to General Halleck, and he advised me to give General Smith my most loyal support. General Smith accompanied the expedition up the Tennessee River to Savannah, Eastport and Pittsburg Landing and gave all orders and instructions until within a few days of the Battle of Shiloh, when his health, shattered by the malarial fever, compelled him to relinquish the command to General Grant, next or equal in rank, who quickly resumed operations where Smith had left off, accepted the situation, made few or no changes, and fought on the ground that had been selected by General Smith, the bloody Battle of Shiloh.

During this fiercely contested battle, General Grant displayed the calmness, personal courage, forethought and deliberation which afterwards made him famous among men.



Yet he was traduced, slandered, wronged, not only by the press universally, but by those who were in positions of authority over him. We, however, who were at the battle's front stood by him truly, and loyal always, and to his dying day he loved the Army of the Tennessee above all others because they were loyal to him in those darkest days of his eventful life—nor was the end yet. After this great battle three armies assembled only at the bloody field—Buell's, Pope's and Grant's—and General Halleck came in person from St. Louis to command the whole, with a declared purpose to assume a bold offense.

These armies were reorganized. Buell's army became the center, Pope's the left, and Grant's was broken up. One part, under Gen. George H. Thomas, was styled the "right," while the other part, under General McClelland, composed the reserve. General Grant was absolutely left out in the cold, with the title of second in command—unknown to American history. All moved forth to Corinth, consuming the whole month of May, and during that month became cemented the personal friendship between us which lasted to the end.

Not one word of complaint came from Grant, no criticism on one act of his superiors or the Government, yet the trembling eye-lid, silent tear and averted head told that his big heart was troubled. He knew that every officer and soldier that had followed him with such noble faith and sublime courage at Belmont, Henry, Donelson and Shiloh, felt for him, respected him, and understood the load of neglect—if not positive insult—he was carrying. He knew and felt that he was in the way of the commanding general, as it were, a fifth wheel to a coach, with no real authority, no command, no possible right to order or even advise his former subordinates. I am sure that he felt that he was never welcome to our bivouacs, and we understood and appreciated the entire situation.

Then occurred the most questionable strategy of the whole war—that magnificent army, nearly one hundred thousand of the best men on this continent, who could, if united, have marched to Vicksburg or Mobile, was deliberately scattered. General Buell with the Army of the Cumberland, which Thomas had recently rejoined, was sent eastward toward Chattanooga, and the others were scattered defensively from Eastport to Memphis. General Grant was sent to command the district of Memphis, and General Halleck himself being summoned to Washington, cast about for a new commander of the Army of the Tennessee. He offered the post to a most worthy quartermaster, who had the good sense to decline, and himself being compelled to leave, the command at once devolved on General Grant, not by selection, but by virtue of his superior commission. Thenceforward his career was ever onward and upward, and when on the 4th day of July, 1863, Vicksburg surrendered to him, and the mighty Mississippi went unvexed to the sea, the whole country arose and recognized in him a general who was destined to guide and lead us all to final victory and triumph.

These incidents and circumstances were all known to you at the time, but were little appreciated and were in the treaty and plan first designed by Providence to test the ability, courage and endurance of him on whom this whole epoch in history was designed to hinge. Others have told the whole story of the war, and still others are repeating and elaborating it—even he, himself, almost in his dying hours was engaged in recording his experience, and we all await its publication with profound interest. I have seen some of the manuscript and have been told of the rest, but I prefer to await the whole publication, certain that whatever he has recorded of his own knowledge will stand the test of time, and I am sure he himself will have recognized the truth, and will have recorded the fact, that this campaign from Belmont to Vicksburg was the most valuable of his whole career.

In this brief period he discovered the power that was in him, that he in fact impersonated the great mass of our best people who abhorred war, and only resorted to it when national honor and safety demanded it. He knew little and cared less about strategy, and I doubt if he ever read "Iomini Gratius," or any books on the articles and laws of war, except West Point text books. So with tactics. He never, so far as I can recall, expressed a preference for Hardie over Scott, Cassy or Morris, still he loved to see order and system, and wanted his corps, divisions, brigades and regiments, handy and well instructed when called for. He aimed to achieve results, caring little for the manner by which they were accomplished. He possessed and always asserted the most perfect faith in the justice of our cause, and always claimed that sooner or later, it must prevail, because the interests of all mankind demanded the existence of just such a republic as we had inherited, and that by a concurrence of political causes the conflict had fallen upon us, we had only to meet it like brave men and conquer as a matter of course. He always claimed that we must follow up and defeat the rebel armies and compel them to submit to the authority of the National Government. He believed in deeds, not in words, in war, aggression, not manoeuvre, and from Belmont to Appomattox his strategy and tactics were the same, ever straight to the mark, till armed resistance had ceased and absolute submission to lawful authority was promised.

He was always outspoken in his praises of the Army of the Tennessee, by reason of its earnestness at Henry and Donelson. Its stubborn course at Shiloh, its quiet submission to unfriendly authority at Corinth. Its quick response to his call at Iuka, and splendid qualities displayed throughout the Vicksburg campaign—or his own words as recently recorded—"The campaign of Vicksburg was suggested and developed by circumstances, and it now looks as though Providence had directed its course, while the Army of the Tennessee executed its decree."

Yes, my comrades, there is a Providence which shapes our course, and we may, as we may, and fortunate was it for us and mankind that two such men as Lincoln and Grant were on duty during the critical year of 1863,—each a full complement to the other, one to think, the other to do,—forming the solid arch upon which our glorious Union could safely repose in the then earthquake of passion and folly.

#### BOARD OF AGRICULTURE

Under a law enacted by the recent Legislative Assembly at Bismarck, delegates from the several counties of the territory met at Mitchell on the 17th of June and organized the Territorial Board of Agriculture, an organization that under the law was empowered to contract and be contracted with, may purchase, hold or sell property, may sue or be sued in all courts or places, may hold territorial fairs or fat stock shows, at such times and places as the board may determine, but the territory should never become liable for any debt or contract of said board. The secretary of the society was required to keep his office at Huron, provided the city should furnish a suitable office, free of cost, to the territory. The secretary was to receive \$200 per annum and the treasurer \$100, and also give such bond as the board might require.

At the Mitchell meeting an organization was effected by the election of the following officers: President, C. A. Bliss, Brown County; secretary, J. T. Blackenhore, Hyde County; secretary at Huron, as required by the law, W. F. Bushnell; treasurer, Judge John E. Bennett, Clark County; executive committee, J. V. White, Clay County; L. C. Winslow, Minnehaha; A. W. Page, Beadle; A. Wardell, Grant; H. P. Packard, Spink; Theo. David, Davison.

The board decided to hold a four days' fair beginning the first Monday in October, the fair to be holden at such place as was willing to bid the highest for it, the bids to be opened at Huron on July 8th. Vice presidents were chosen, one from each legislative district, as follows:

No. 1, J. V. White, Clay County; No. 2, S. V. Jones, Turner; No. 3, C. A. Badlock, Bon Homme; No. 4, L. C. Winslow, Minnehaha; No. 5, Thomas David, Davison; No. 6, H. J. Patterson, Lake; No. 7, C. Keith, Brookings; No. 8, A. W. Page, Beadle; No. 9, H. B. Paddock, Spink; No. 10, J. D. Durley, Faulk; No. 11, J. C. Stephens, Sully; No. 12, Monzo Wardell, Grant; No. 13, J. W. Hoyt, Brown; No. 14, H. G. Gregg, Lawrence; No. 15, A. D. Flemington, Dickey; No. 16, A. J. Fleming, Cass; No. 17, Charles Richardson, Barnes; No. 18, John Flittie, Trail; No. 19, Dr. M. W. Scott, Grand Forks; No. 20, J. D. Stewart, Walsh; No. 21, Henry Story, Pembina; No. 22, Johnstone Nickeus, Stutsman; No. 23, W. F. Steele, Kidder; No. 24, not filled.

#### KNIGHTS OF PYTHIAS, GRAND LODGE

The Grand Lodge of Dakota, Knights of Pythias, was organized at Huron April 30, 1885, by Supreme Grand Chancellor Van Valkenburg, of Iowa. Delegates were present from every lodge in the territory. The officers of the Dakota Grand Lodge were: Grand past chancellor, Cutts, of Grand Forks; grand chancellor, George J. Love, of Huron; vice chancellors, Edmunds, of Deadwood, and P. D. Collins, of Grand Forks; master of the exchequer, Daniels, of Mitchell; keeper of records and seal, Davis, of Brookings; master at arms, Black, of Bismarck; outside guard, Ganz, of Rapid City. John Westdahl, of Huron, was elected delegate to the Grand Lodge at Toronto.

#### THE NEW RAILROAD COMMISSION AND WORK

The territorial board of railway commissioners appointed under a law passed in 1885 could not have been expected to accomplish much more during the first year than to acquaint themselves with the provisions of the law, their duties and powers, and make a personal inspection of the broad field by a journey over the railway lines, halting at the more important points, collecting information, includ-

ing the grievances complained of by municipalities and also by shippers, thus laying the foundation for the improvement of Dakota's transportation interests. By the close of October, 1885, this preliminary work had been performed as thoroughly as practicable, and the commission held a meeting at Fargo, for the purpose of making an annual report to the governor. The commission also prepared and forwarded to Senator Cullom, of Illinois, who was chairman of the Interstate Commerce Committee of the Senate an official letter of some length, the contents of which were not given to the public, but were supposed to contain certain important suggestions for the improvement of the national law, also soliciting information upon some obscure points where the territorial body might be required to take action with reference to interstate commerce. The commission had also ordered the Chicago, Milwaukee & St. Paul Company to construct a "Y" at Aberdeen, connecting with the Northwestern, which had not been done, and which was urgently demanded to facilitate transportation through that important center. The Northern Pacific had expressed its unwillingness to provide depot facilities at Sykeston, which had been ordered by the board. The business interests of Lisbon had complained to the board of a lack of cars to transport their surplus grain with which their elevators were filled, and General Manager Odell of the Northern Pacific promised that cars should be furnished "as the needs demanded and the facilities of the company would allow." This last clause was not satisfactory. The annual report of the board recommended new legislation covering the following points.

1. Compelling railroad companies to put in a "Y" at all junctions.
2. Taxing gross earnings of sleeping car, telegraph, telephone and express companies.
3. Putting in crossings in cities where ordered by the commission.
4. Against elevator pooling, and giving power to the commission to compel railroad companies to put in stations and depots where deemed necessary.

The additional authority asked for is now practically exercised by the commission, though its recommendation regarding taxation has not been satisfactorily worked out. The commission gave the total railway mileage of the territory at the close of 1885 at 2,667 miles.

#### GIFFORD, RAYMOND AND THE PRESIDENT

Hon. O. S. Gifford, who was Dakota's delegate to Congress during the whole of Mr. Cleveland's first term as President was quite favorably impressed with his personal qualities and intellectual qualifications but he was unable to get much enlightenment or comfort from him relative to those matters regarding Dakota that the delegate felt were of such paramount importance that all mankind ought to be interested in them and have a positive opinion regarding them. Speaking of the President's opinion of the Dakota situation, Mr. Gifford stated:

So far as the questions of admission and division are concerned, I cannot say what the President favors. I have had several interesting and earnest conversations with Mr. Cleveland, and in all these the President has manifested a friendly and encouraging spirit toward the territory. The questions of division and admission were touched upon, but the cautious executive did not commit himself to either. However, he left the impression with me that he intended to act in accordance with the wishes of the people, and for the best interests of the territory at large. The President will strongly recommend the opening of the Big Sioux Reservation, and in this connection the delegate expressed the opinion that Governor Pierce would be allowed to serve his time out.

#### RAYMOND'S VIEWS OF CLEVELAND

The term of Hon. John B. Raymond as delegate in Congress from Dakota Territory expired in March, 1885, but he remained in Washington for some time and aided his successor to get "acquainted with the ropes." He had taken an active and intelligent interest in the efforts to divide the territory, and also favored



statchood, which brought upon him the enmity of Ordway, McKenzie and others, and possibly compassed his defeat for renomination, but he was not at all vindictive. On retiring he gave out a statement of his views regarding the position occupied by the Dakota question in official Washington, having had an opportunity to observe the trend of affairs that was quite accurately confirmed by future events. He said that:

It would have been unreasonable to expect the President to make any recommendation looking to the instruction of his party on the Dakota questions in his message, as it was known that his party was opposed to such admission, and had been fighting it for years. He was of the opinion that the republican party, whose senators and representatives had always favored the admission scheme, would take care of the measure and, by attaching to subject during the session, might secure the passage of an act enabling South Dakota to frame a constitution and come into the Union as a separate state. He said the democratic members would make a pretense of being favorable to the admission of Dakota as a whole, but would annex thereto a similar provision for the admission of Montana. The members of Congress would look at the question from a party standpoint and would not take kindly to the increase of republican senators as would be the case of Dakota, or the southern part thereof, was admitted. They would therefore pass an act enabling Montana and Dakota to be admitted, hoping that the republican Senate would defeat the measure, or that the people of Dakota would refuse such admission as a whole. In either event the democrats would succeed in placing the blame on a republican Senate or the citizens of the Territory, for such non-admission. He doubted that Congress would allow a division of the territory into two separate territories, notwithstanding this would increase the territorial officers. In case of division the lower territory would speedily be admitted, and by pretending to admit the territory as a whole, the admission could be deferred indefinitely.

#### RAILROAD TO THE BLACK HILLS

The progress being made by the Sioux City and Pacific Railway, which was constructing a line west through the Niobrara Valley in Northern Nebraska encouraged the expectation that the line would reach the crossing of White River during the year. At this point on the headwaters of the White, a branch would put out for the north, distance about one hundred miles. The prospect for the early completion of the enterprise induced some of the heavy freight lines on the Bismarck and Pierre routes to the hills to transfer their equipment to Chadron on the Nebraska route, induced by the shorter route and the favor extended by the railway company which was interested in the freight carrying business to the hills, which were then demanding many thousands of tons of merchandise, mining machinery and building material except lumber.

The Chicago and Northwestern or rather the subsidiary company entitled the Fremont, Elkhorn & Missouri Valley Railway Company was the first outside railroad company to enter the Black Hills by a branch from its Northern Nebraska line starting north from Chadron on the headwaters of White River. This was in 1885. Whether the company designed to make Rapid City or Deadwood its terminus did not clearly appear for some time, for a number of preliminary lines were run into the hills.

Finally on Friday, October 23d, general manager, P. E. Hall, accompanied by Chief Engineer Ainsworth reached Rapid City for the purpose of a conference with its citizens on the railroad subject. Rapid City was prepared for visits of this nature, and had previously organized a citizens committee of fifteen with plenipotentiary powers to look after Rapid's railway interests. On Saturday this committee was assembled to meet Mr. Hall, who informed the committee that an entirely practicable route to Rapid City had been found, and that he would meet with the committee Monday and confer further. A sub-committee consisting of John R. Brennan, A. J. Simmons, James H. Lley, J. W. Fowler, and C. L. Wood met Mr. Hall Monday, and the conference resulted in an agreement to build the road to Rapid as rapidly as men and money could do it. It was expected that the grading would be largely completed before winter placed an embargo on outside work. Rapid City bound itself by a good and sufficient bond to provide the company with ample depot grounds, and right of way through the town without cost to the company.



The grading contract for the grading of this line to Rapid was let in June, and forty-five miles was to be completed and operated before the year closed.

Passenger stages were put on the overland route, as soon as the Northwestern Railroad reached Chadron, Neb., running through to Deadwood, lessening the traveling time between Deadwood and Chicago two days. The opening of this line was at the cost of the Dakota lines from Pierre and Bismarck.

The Black Hills and Northern Pacific Stage Line running between Deadwood and Medora on the Northern Pacific was discontinued in May, 1885. It had been established by the enterprising Marquis deMores, of Medora. The new route via the Sioux City and Pacific Railroad to Chadron, within 100 miles of Rapid City was drawing nearly all the stage travel to the hills. Near Medora the Marquis claims as a recent discovery a clay known as Kaoline, from which the finest pottery is made.

The Chicago and Northwestern Railroad was completed from Centerville to Yankton on the 16th of December, 1885. The towns of Wakonda, Clay County, was founded at this time. The road cost Yankton \$30,000. Wakonda, Clay County, and Volin, Yankton County, were founded during the same year.

United States Senator John J. Ingalls, of Kansas, introduced a bill on the 17th of December, 1885, giving to the Pierre Bridge Company the right to construct a bridge over the Missouri River at that point. The company to which the bill grants the charter was incorporated under the laws of Dakota, and proposed to construct a toll bridge for railways, wagons, carriages and pedestrians similar to the Lawler bridge at Prairie du Chien on the Mississippi. If the company constructed a span bridge there were to be three channel spans fifty feet above high water and 300 feet long each. Should a draw be required by the secretary of war, the span on each side of the pivot was required to be 160 feet long and the adjoining spans 300 feet. The bill gave the company a tract of land amounting to one section at the west end of the bridge for approaches and tracks. The bridge company was a subordinate of the Northwestern Railway Company. There was quite a long delay before the work of construction was entered upon.

Senator Spooner, of Wisconsin, introduced a bill for a like purpose about the middle of January, 1886.

#### RAILROADS IN NORTH DAKOTA

In the spring of 1884 it was given out that extensions of the Manitoba (hills lines) would be completed during the year, as follows:

From Devil's Lake to the Turtle Mountains, ninety miles; Hope to the Cheyenne River, thirty-six miles; Breckenridge to the head of Red River, thirty-five miles; Portland, through Larimore to the international boundary somewhere in the Pembina mountains, 100 miles. In addition a line of road was projected from St. Paul via Marshall, Pipestone and Sioux Falls to Yankton, which was said to have the Manitoba Company back of it. This new road, if built, would be 500 miles long. It was reported that ties had been ordered for 200 miles of this road to be built this year, 1884.

The Fargo Southern, from Fargo to Flandrau, was to be completed during the year, and work on the Dakota and Great Southern, known as the Tower City Line was under way. Other railway incorporations in which Dakota was interested were thought worthy of mention as follows: The Duluth, North Shore and Southwestern, from Duluth to Yankton via St. Cloud and Litchfield. Lake Superior, Willmar and Dakota from St. Cloud through Kandiyohi County. Duluth, Fargo and Black Hills from Fargo to the Black Hills, a distance of 450 miles. Huron & Southwestern from Huron to Chamberlain. Dakota & Minnesota, from the James River Valley to the eastern boundary of Roberts County. Iowa, Sioux Falls & Northern, from Sioux Falls to Jamestown, 500 miles. Lake Traverse, Sanborn & Carrington, from the southeasterly corner of Richland County to Carrington, 175 miles. Watertown & Northern, from Ordway, Brown

County to Watertown, Codington County. Bismarck & Southern, from Bismarck to Lake Kampeska. Richfield & Black Hills, from Deadwood to international boundary. Deadwood and Cheyenne River, from Deadwood to a point on the river. Eastern Dakota, from Milbank Junction to corner of Ransom County. Fargo, Grand Forks & Pembina, from Fargo to international boundary. Ordway, Frederick & Bismarck, from Ordway to Bismarck. Spiritwood, Grand Rapids & Devil's Lake, from south line of Dickey County to Devil's Lake. Yankton, Okobbojo & Fort Buford, from Yankton to Fort Buford. Beaufort & Southern, from Beaufort to Aberdeen. Fargo, Larimore & Northern, from Fargo to Mayville and thence northward. Columbia & Southern, from Columbia, Brown County, to Sioux Falls. Omaha & Northern, from Yankton 130 miles northward.

In 1885, the Milwaukee Company announced an extension from Ellendale, Dickey County, to St. George, in LaMoure County—twenty-five miles, and within forty miles of Jamestown. Ellendale was the northern terminus of the Chicago, Milwaukee & St. Paul Railway, in the James River Valley. It was subsequently extended to a connection with the Northern Pacific at Dawson, Kidder County.

The James River Valley Railroad, a northern incorporation, which was nearly completed during the year 1885, from Jamestown to LaMoure, in LaMoure County, gave almost unbroken rail communication from Yankton, near the mouth of the James River to a point fifty miles north of Jamestown, Stutsman County, a distance by rail of about 400 miles. Twenty-five miles between Ellendale and LaMoure was then under construction.

January 30, 1886, the Chicago, Milwaukee & St. Paul Railroad Company gave out a contract for grading a railway line north from Andover on their Milbank and Aberdeen line. The line was to extend to the northern boundary of Dickey County, a distance of fifty-six miles.

The Dakota & Great Southern Railroad Company was incorporated in 1883. Col. Isaac Britton was the president of the company. This projected line had its initial point at Tower City, a point on the Northern Pacific Railroad in the extreme western part of Cass County, thence south in an almost direct line to Brule Creek in Union County, where it had its southern terminus in Dakota, but proposed to enter Iowa from Richland at the mouth of the Brule, and extend to Sioux City or possibly LeMars. It was not a Northern Pacific enterprise, according to Colonel Britton. From Tower City to Richland on Brule Creek, the distance was given at about three hundred and fifty miles. From Tower City the line passed through the southeast of Barnes County, thence through the counties of Ransom, Sargent, Day and Clark, thence through Kingsbury County crossing the Northwestern at or near Desmet, thence through Lake County crossing the Southern Minnesota west of Madison, thence through Minnehaha County crossing the Northwestern west of Hartford, thence across the northeast corner of Turner County and southwest corner of Lincoln, crossing the Northwestern again west of Beresford, and thence to Richland. The contract for grading the first sixty miles south of Tower City was let in September. The company claimed that its line would pass through the most valuable agricultural section of Dakota. Its intention was to require no donations from the towns and counties on the route, saving the land needed for right of way for the road and depot grounds at all stations. The enterprise hung along for a number of years, with fluctuating fortunes, but was not successful.

#### CROW CREEK RESERVATION—SETTLERS DISTURBED

The opening of the Crow Creek Reservation to settlement was one of the incidents of the heavy immigration that set toward and into Dakota in the years of President Arthur's administration, reaching into the first years of President Cleveland's first administration. That fragment of Dakota appeared to be shrouded in mystery so far as its claim to being an Indian reservation was con-

cerned, and the probing of this mystery furnished not a little employment to the interior department at Washington. The reservation had been declared open to settlement by President Arthur about one month prior to the expiration of his term as President in February, 1885, which was followed by a great rush of white settlers to the land which was regarded as one of the garden spots of the territory. Some accounts placed the population of the tract at 6,000 shortly after the occupation of it occurred. But prior to the official action of the President, and owing to the long drawn out dispute regarding the Indian title, a large number of adventurous white settlers had exercised the time honored privilege of squatter sovereigns and made settlement upon the coveted domain.

Immediately following Mr. Cleveland's inauguration, the Indian Rights Association and other friends of the Indians had induced him to reopen the question, and he had referred it to the attorney general, Mr. Garland. About the first of April this official rendered his opinion claiming "that the order of President Arthur, of February 27th last, opening the Winnebago or Crow Creek Reservation in Dakota was inoperative, because the Sioux Indians hold a title to the lands under the treaty of 1868." Under this opinion, the President issued an order in April, 1885, revoking the proclamation of his predecessor, and warning immigrants from occupying the lands included in the reservation, which were already partially settled by whites and much improvement had been made.

Governor Edmunds, of Yankton, who became Dakota's executive very soon after the time the Minnesota Indians were removed to Crow Creek, and was also superintendent of Indian affairs, and of his personally acquired knowledge knew as much regarding the legal status of that reservation as any of the laymen of that day, and was familiar with all general facts regarding the reservation from its earliest occupation, was also one of the commissioners appointed by the President to make treaties with the Sioux in 1865-66, and led in making the treaties, and was in fact one of the commissioners who ordered the Government supplies for the Yanktonnais to be left at the Crow Creek buildings, and placed in charge of Mr. E. E. Hudson before the Yanktonnais occupied the agency, made an informal statement regarding the status of the reservation, substantially as follows:

In 1863 buildings were erected at Crow Creek for the Winnebagoes and Santee Sioux, but these two bands refused to occupy the agency grounds thus prepared for them. An effort was then made to induce the Two Kettle and Lower Yanktonnais bands of Sioux to settle there so that the buildings, which cost a hundred thousand dollars, or thereabouts, might be utilized. These Indians refused to go to Crow Creek. Finally the Government commenced unloading the supplies set apart for the Lower Yanktonnais at Crow Creek, and that band of Indians was compelled to move down there or starve. At this time (1886) the then secretary of the interior issued an order designating the Crow Creek and Winnebago reservations as the home of the Lower Yanktonnais. Thus far there had been no treaty reservation made there, and no presidential order had made it a reservation. Being unoccupied and useless territory, the Indians were permitted to live there. In 1868 followed the Sioux Treaty, by which about one-quarter of Dakota was ceded to the Sioux Nation. The terms of this treaty included all the country in Dakota west of the Missouri River and south of the Cannon Ball River. It also included all existing reservations east of the Missouri. In the opinion of the governor this referred only to the Yankton Reservation, which with the Sisseton reserve, was the only reservation having a legal existence east of the river.

General Sherman, who was chairman of the Indian commission which made the famous treaty of 1868 at Laramie with the Sioux, who was then lieutenant general, made a statement for Attorney General Garland's benefit, that he had an impression that a map was used at Laramie in the conference with the Indians in 1868, upon which the reservations east of the Missouri were shown, and the Indians given to think that the old Winnebago lands should be included in the Sioux Reservation.

At the same time a military order, dated August 1, 1868, carrying out the provisions of the treaty, wherein General Sherman himself bounded the Sioux



Reservation as all lands "west of the Missouri River, north of the Nebraska line to the 46th parallel."

It is evident from this statement made by General Sherman to Mr. Garland that the general regarded it of importance, as having inadvertently, or without such intention given the Indians to understand by displaying to them the old map, that they had a reservation at Crow Creek. While no lawful claim could be made by the Indians on such ground, and such a foundation for claim between white people would be regarded with indifference, Mr. Cleveland and his law officer would be justified in considering what effect it had on the minds of the Indians—whether it induced them to understand that the Crow Creek Reserve was a part of their possessions. If such was the effect no amount of explanation, such as would disprove their legal right would have satisfied the Indians that no injustice was done them by opening the lands to the whites, and it was of the first importance that the Great Father should retain the implicit confidence of these uncivilized people. The motive for revoking the Arthur order, if based on this ground might be justified, but there is no evidence whatever that would justify it based on the treaties with the Sioux. It should also be borne in mind that President Arthur's order did not take from the Indians any of the lands they were using or occupying, but made a permanent reservation of five townships of 115,200 acres most of it in vicinity of Fort Thompson on the Missouri River, including an extensive river frontage, which the Indians were desirous of securing, and included one township north of Thompson, lying in the Big Bend, where no Indians were then residing. Their reserved lands were well watered, and fairly well timbered. As there were but about six hundred Indians all told who drew rations at the agency, it would indicate that the Government had been extremely liberal in giving them a permanent home of 115,000 acres. The 600 Indians would not include more than 150 families, which would give nearly five hundred acres to each family of four persons, or 200 acres to each adult, male and female, and each boy and girl. The Indians would be greatly benefitted by the settlement of the half million acres thrown open by white people and good farmers, for in addition to the enhanced value lands would receive, they would have the still greater advantage and benefit which would come from communities of white neighbors, with their churches and schools, and improved customs in domestic life and in industries. While there appeared to be a strong sentiment in the country favoring President Cleveland's revocation order, had the sentiment been well informed regarding the entire situation it would probably have sustained the policy indicated by the action of President Arthur.

This action of the President gave rise to a serious condition of affairs in the neighborhood of Crow Creek, and apprehensions of an Indian outbreak became quite general. As a matter of prudence, Governor Pierce, of Dakota, dispatched Attorney General Rice to Crow Creek to investigate as to the liability of a hostile demonstration by the Indians. Rice reported that there were about two thousand white claimants on the land, representing 6,000 people. He found about one thousand Indians, and as five townships of the old reservation, containing over one hundred and fifteen thousand acres had been reserved for them under the Arthur order, they were amply provided for. The whites were not disposed to forcibly resist the Cleveland order, but having been assured by their legal counselors that their claims would be held valid, they had resolved to test the question of title in the courts. Thereupon the governor issued a proclamation, as follows:

The President has deemed it necessary to revoke the executive order of February 27, 1885, opening the above reservation to settlement. This action is plainly inspired by the single purpose of maintaining what is regarded as the plighted faith of the Government and keeping inviolate the sacred terms of a treaty. I realize the hardships to settlers involved in this order, and I am sure the President is not oblivious to or unmindful of them. But it has been issued under what seemed to the Government a necessity, and it should be quietly and peaceably obeyed. Considerations of good citizenship and considerations of settlement favor such action.



The President and Congress will not neglect to see justice done to those who have gone on these lands under color of right, and who sacrifice their property and yield what they have gained in order to obey the command of the executive.

I earnestly trust, therefore, both for the sake of law and order, and for the sake of the settlers themselves, that the proclamation of the President will be obeyed without compelling a resort to any show of force whatever. Nothing can be gained, much can be lost by a failure voluntarily to comply with the order.

I suggest, also, that measures of some kind be taken by the settlers to preserve proof of their respective claims. If books be opened in each settlement, and a record be made of the facts in each case, describing lands settled upon, buildings erected and expense incurred, it may prove of much convenience and possibly facilitate a settlement of claims, should the Government consider it proper to recognize and make provision for them.

To assist in devising some method by which this can be done, the attorney-general of the territory will visit the reservations and will aid the settlers in any manner possible by his counsel and advice.

GILBERT A. PIERCE, Governor.

No correct account of the origin of the reservation appeared to be in possession of the Government, and for years following the beginning of the active immigration in 1879, the title to the lands was in dispute, as to whether it belonged to the Government or the Sioux Nation of Indians.

The records of the interior department and the proclamations made by President Lincoln during his terms, fail to disclose any reference whatever to the origin of the reservation, and as this event occurred during the active and anxious days of the Civil war, we are inclined to believe that the official record of the transaction was inadvertently laid aside by the department, and forgotten. However, the facts related herein, concerning the location of the reservation, which occurred in 1863, are well known to the writer personally, and he can vouch for their correctness. The Crow Creek Reservation was established in the summer of 1863 by Col. Clark W. Thompson, then superintendent of Indian affairs for the northern district of Minnesota, a Federal office. The lands taken for the reservation belonged to the United States, being public lands and a portion of the domain ceded by the Yankton Indians in 1858-59.

In August, 1862, occurred the Little Crow outbreak in Minnesota, with its attendant slaughter of whites. The Indians engaged in this revolt and atrocities were largely and probably altogether members of the Santee Sioux tribe, which, at the time, had a fine reservation in Minnesota. The great body of these hostiles were early driven west into the Territory of Dakota by General Sibley; but there were several hundred, including the aged and many women and children, who had not participated in the revolt, who remained on the Minnesota reservation. The wholesale massacre of helpless and inoffensive white people, which was the lamentable and harrowing feature of the revolt, had produced a deadly antipathy on the part of Minnesotans toward all Indians, to the race itself, and as a measure of safety for the innocent Indians, the Government deemed it necessary to remove all in that portion of Minnesota from the state. The situation was an emergent one and demanded immediate relief. Colonel Thompson, the superintendent, was charged with the mission of selecting a tract of land on the public domain in Dakota, on which to establish this exiled people. In the meantime the prejudices of the whites had become so embittered that it was resolved to include the Winnebago tribe, who were not Sioux, and had been traditionally friendly to the white race, in the removal order. The safety of the Winnebagoes in the angry and excited condition of popular feeling demanded this precaution.

Colonel Thompson came to Dakota, to the Missouri River, some little time after the opening of navigation, in 1863, in quest of a tract of land for the banished people. He visited the capital and held a conference with the acting governor (Hutchinson). The governor of Dakota was ex-officio superintendent of Indian affairs for the territory, but Dakota had no governor at the time. Governor Jayne had resigned in March to take his seat in Congress, and his successor had not been appointed. Thompson then intended to select a location as near the Yankton Reservation as practicable, fronting on the Missouri River. He began

his investigations in the vicinity of the western boundary of Charles Mix County, and continued to examine the country until he reached the vicinity of Crow Creek, where he selected a tract, reported at the time to extend twenty miles along the Missouri River, and five miles inland, where he laid off a reservation and erected, or made arrangements for the erection of agency buildings. The colonel made his trip up the river with teams, having a number of men with him, and returned about two months later. He came down in company with Major DeWitt in a steamboat yawl and halted again at the capital, where another conference was held with the acting governor and Major DeWitt was appointed trader at the new agency, an appointment which, it appears, the acting governor had authority to make.

The emergency for the removal of the Indians from Minnesota set before so urgent that barely waiting for Thompson's report, the Santees packed upon a steamboat, and sent forward via the Minnesota, Mississippi and Missouri rivers to the newly selected reservation, and the Winnebagoes were to be sent across overland. It will be understood that the Santees, by their acts of hostility, had forfeited their Minnesota Reservation and all annuities—in fact the Santees sent to Dakota were a wretched people, destitute and penniless, and subsisted, of course, on the bounty of the Government. It was not the same with the Winnebagoes, still the change was one that brought much suffering and hardship to them, and without any fault of their own. At this time it was understood that the lands occupied for this reservation were set apart as a temporary home for the Indians. It could not have been the design of the Government to give the Santees any reservation or any claim of title to the land, for they were all included as outlaws. Little Crow and all his Santee warriors were in the northern part of the territory that year at war, and seducing the other Sioux tribes to join them. There is no record that any treaty was made with the Santees or Winnebagoes. The latter found their situation a perilous one owing to the hostility of the Sioux toward the Indians of other nations, and they began to desert the reservation for the Omahas, in Nebraska, who were kinsmen. So formidable was this movement the troops were called upon to stop it, and several parties of runaway Winnebagoes were captured and sent back to Crow Creek or held as prisoners at Fort Randall. The Santees were removed to Niobrara, two or three years later, and thence to their present reserve in Nebraska, opposite Springfield. The Winnebagoes, after much tribulation, were given a reservation with their relatives in Nebraska. The Crow Creek Reservation, however, was not abandoned, but appears to have been taken possession of by the Yanktonais tribe of the Sioux, with the consent of the Edmunds treaty commission, late in 1865 or 1866, and when Maj. Joseph R. Hanson was appointed agent of the Upper Missouri Sioux, in 1866, he found them there in force, and he made Crow Creek Agency, or Fort Thompson as it was also called, his headquarters. By the Sherman-Laramie treaty of 1868, the Sioux nation relinquished all title or claim to lands east of the Missouri River, except such reservations as had been established with particular tribes by separate treaties (the Yankton and Sisseton reserve falling under this head). In 1869 President Grant issued a proclamation withdrawing a large strip of public land bordering the Missouri River on the east, from market. These lands were not occupied by the whites at the time except a small community in Brule County at and around Brule City. The strip extended from Charles Mix County to Burleigh County, and included the Crow Creek Reservation, and appears to have been the first authorized withdrawal of that reservation from the public domain. This proclamation was induced to prevent the illicit trade in intoxicants which seemed to have become quite a business along the river, and as the Indians were among the purchasers, the traffic became a serious menace to the peace of the frontier. President Hayes subsequently issued his proclamation restoring this strip to the public domain, so that the Crow Creek Reservation must have then been placed again among the open lands subject to settlement.

The Sherman treaty of 1868, by which the Sioux tribes relinquished all claim to lands east of the Missouri, would have been sufficient to transfer the Indian title to the Crow Creek reserve had not the Yankton treaty transferred it ten years earlier. It was therefore difficult for the early Dakota people, who were familiar with the early stages of the Indian occupation, to understand why there should be so much uncertainty regarding the status of the lands in later years. There was no question but the reservation so-called was first laid on land purchased by the Government under the same treaty that ceded Union, Clay, Yankton, Bon Homme, and all the other counties extending as far north as Spink County.

While the conditions regarding the status of the Crow Creek lands were being generally discussed, east and west, the Congregational societies of Dakota held their annual conference of 1885 at Sioux Falls, and felt called upon "to pour oil on the troubled water" by an expression of their sentiments upon the pending difficulties growing out of the unsettled question of ownership of the reservation. Their resolutions were generally commended as timely and wise. Two of these declarations will suffice to show their general tenor, and are here copied:

Resolved, That we respectfully memorialize President Cleveland to suspend the execution of his order until Congress can make some equitable settlement of this vexed question in such way that the rights and interests of the Indians may be protected and the conceivable damage and loss be averted from a multitude of innocent white settlers.

Resolved, That we urge upon the eastern friends of the Indian that they be more careful as to what reports they endorse and circulate, inasmuch as misrepresentations are circulated to needlessly exasperate the people upon whom they reflect, and whose good-will and co-operation are essential to the attainment of the best results.

The resolutions were prepared by Dr. A. L. Riggs, a life-time Indian missionary, who argued that "the great need of the Indians was not more land, but more missionaries."

The question as to what constitutes a reservation must be considered. "A district of country set apart for the exclusive use of a tribe of Indians, the boundaries of which have been defined and mutually agreed upon by representatives of the Government on the one part and by the chiefs and headmen of the Indians on the other part; the subsequent ratification of the agreement by the Senate and proclamation thereof by the President," constitutes a legal reservation. The Crow Creek district lacked every one of the points mentioned. No tribe or part of a tribe or band of Indians ever had anything to do with setting it apart for the use of any tribe, and there was none that laid any claim to it except by right of being there by consent of the Government, prior to these claims made in 1885.

#### GENERAL CAMPBELL'S STATEMENT

Gen. Charles T. Campbell, the founder of Scotland, Bon Homme County, had been an officer in the Pennsylvania volunteer service during the early years of the war, was so disabled by wounds received in battle as to unfit him for service in the field, and was appointed or assigned to duty as inspector general in the Department of Dakota early in 1863. He was well acquainted with the entire preliminary transaction of taking over the Crow Creek lands by Colonel Thompson in 1863, and for ten years following was employed either in the military service or Indian service in the Missouri Valley from Fort Randall and above, and his statement regarding the status of the Crow Creek Reservation has the merit of personal recollection of the original events, and were not made upon second-hand authority. His statement supports the contention that the Crow Creek Reservation had not been set apart as an Indian reservation. Here follows his statement:

The Crow Creek reservation was surveyed in 1863 for the purpose of making it a place of rendezvous for straggling Indians from the scenes of the Minnesota massacre—



the Santees and Winnebagoes—and it was abandoned by those Indians after a brief residence. The land upon which they had squatted originally belonged to the Yankton Sioux, and was ceded by that tribe to the Government of the United States in 1858, the Yanktons reserving the tract in Charles Mix County, where they now live.

In 1865, after the Sioux war, many Sioux of different bands came down the river to make the treaties of peace. Some of the Lower Brules, the Two Kettles and Yanktonnais bands, finding the Santees and Winnebagoes gone, and an Indian agent there in charge of the improvements and with some supplies, they halted at the agency, and remained.

These Indians had all been in hostility to the Government, but had been badly defeated and were now making peace treaties through the Edmunds Peace Commission, and not only these, but all the heretofore hostile tribes along the river, and by their hostile acts had, of course, forfeited all claim upon the Government. But the Government, for humane reasons, was bound to supply them with food and to keep them from starving, and also felt that it was a wise policy to do so, and therefore the Interior Department made the Crow Creek Agency the first point on the river for the late hostile bands of Sioux, as they were called, and since it has been continued as such. There was no guarantee to the Sioux that any of the lands were to be given them, nor did they at any time claim these lands. The Indians knew that the lands previously belonged to the Yanktons, and that the Yanktons ceded it to the United States, and secured annuities in consideration of such sale. At the time the reservation was surveyed and the land entered upon by the Winnebagoes, no Sioux were there. The Sioux never claimed it as their land.

I was, from September, 1866, until June, 1889, special agent for these nine bands of Sioux, was with them in all their councils in camp and in Washington City—purchased for them their annuities and delivered to them their first annuities in 1866. I was present when Commissioner of Indian Affairs Parker and General Sully were sent out by the Interior Department to make further treaties in June, 1867, at old Fort Sully. I was with the Peace Commission in 1868, composed of Generals Sherman, Harney, Terry, Sanborn, and Sen. J. B. Henderson, and Commissioner of Indian Affairs Taylor. No grant, no assurance, no promise was ever made to the present Sioux squatters that they should hold this land as their own. In fact, there was but one treaty made with the nine bands of Sioux, and General Sherman is mistaken when he says he thinks some grant was given them when the commission was with them in 1868. No provision was made, no paper signed, relative to that land at this time or any other time.

This statement made by General Campbell is history, and is substantially confirmed in every particular by Maj. J. R. Hanson, of Yankton, who was then agent at Crow Creek Agency, and now a citizen of Yankton.

In 1877, by authority of the treaty made with the Sioux in 1876 when the Black Hills was transferred, a wagon road had been laid out from Pierre to the Hills which had been extensively used for over ten years, and a number of whites had settled along the grand highway, and opened eating and lodging houses, built stables, and kept supplies needed by immigrants, for sale, beside providing accommodations for the traveling community. This may have been contrary to the strict terms of the treaty, but it was absolutely essential for the welfare of the freighters and the multitude of gold seekers going in to the Dakota Eldorado. The time came, however, in 1887, when it was deemed best to exclude these trespassers and in May, 1887, the following official order was promulgated by the United States agent at the Cheyenne Agency, under whose territorial jurisdiction the broad highway to the Hills was located.

#### To All White Men Holding Cattle on the Cheyenne River Agency Reserve:

Gentlemen: You are hereby notified that in accordance with the orders of the honorable secretary of the interior, dated April 21, 1887, and the honorable commissioner of Indian affairs, dated April 27, 1887, you are required to remove your cattlemen and cattle from this reserve at a date not later than May 31, 1887. All cattlemen and cattle found on this reserve after May 31, 1887, will be removed by me under section 2149 of the Revised Statutes of the United States.

CHAS. E. MCCHESENEY, U. S. Indian Agent.

The region of country within the jurisdiction of the Indian agent at Cheyenne Agency included the historic landing place known as Fort Pierre, where had sprung up a considerable village to meet the necessities of the Black Hills business and travel. The agent's jurisdiction also covered the country bordering the old freight and stage route leading from Fort Pierre to the crossing of the south branch of the Cheyenne River. Along this route were several ranches



kept by white men who maintain extensive cattle herds. There was a clause in the treaty with the Sioux made in 1876, granting right of way for three wagon roads through the Sioux Reservation. In 1877, under this clause in the treaty, and an act of the Dakota Legislature, Governor Pennington caused to be surveyed two roads from the Missouri River to the Black Hills. One of these roads began at Bismarck and terminated at Deadwood. With this road the order of the Cheyenne agent did not interfere. The other road began at a point on the Missouri River designated as Chantier Creek, which was about twenty miles above Fort Pierre, and the intention was to change the landing place for Black Hills travel from the Pierre landing to Chantier. But the road leading up the Missouri highlands out of Chantier proved unsuitable and impracticable and was virtually abandoned by the freighters and travelers and Fort Pierre and Old Fort George twelve miles below remained the shipping point. This Fort George road was laid out by the Government, under the personal supervision of Col. Fred Grant and was approved by General Sheridan. Both the Pierre road and the Fort George road converged at points further west, on the original Chantier survey, and followed the same track into the Hills.

This road laid out under General Sheridan's order was undoubtedly one of the lawful roads provided for in the treaty of 1876, and the Bismarck road, if it crossed any part of the reservation, was another, but there appears to have been no Government approval of the Pierre or Chantier roads, though the latter was surveyed and opened under an act of the Territorial Legislature of 1877, presumably with some understanding with the war or interior departments, whichever had jurisdiction under the treaty.

This situation placed Fort Pierre in the attitude of trespasser on the Indian domain, for no authority existed for the whites to occupy that point. A determined effort was made to dispossess the inhabitants at Fort Pierre in 1875 before the treaty was made. A column of soldiers was sent down from Fort Sully who succeeded in stampeding about two hundred freighters who were encamped there. The freighters retreated without offering any resistance, and crossed the reservation going to the Hills, and it was afterwards claimed that on this journey the retreating column marked out the trail which became somewhat celebrated afterwards as the Pierre route to the gold fields. A well known frontiersman, John Dillon, who was a leader and employer and shipper, in the overland freighting business, remained at Pierre at this time, being a member of the nation by reason of his marriage to an Indian woman of the Cheyenne tribe. The soldiers returned to Fort Sully, and Dillon set about re-establishing the freighters' settlement at Fort Pierre. In this he had been quite successful for that point had been the chief outfitting and shipping point for Black Hills parties and merchandise, on the Missouri River.

Major McLaughlin's order was not designed to interfere with travel on the lawful thoroughfare but was directed against all whites who had settled either at Pierre or at points along the routes and established live stock ranches.

#### CLEVELAND'S INDIAN RECOMMENDATIONS

In his first message to Congress, December, 1885, President Cleveland avoided committing himself to the effort then being made to secure from the Sioux a part of the Great Sioux Reservation, which had been so urgently but unsuccessfully pursued by the preceding administration. He was pre-disposed to listen to the desires of the Indian—he unquestionably believed that the Indians had suffered much injustice from the agents of the Government in the cession of their lands and in the non-fulfillment by the Government of its Indian treaties, for he had only to read the report of the commission which made the Black Hills treaty in 1876, to find abundant authority for such belief. While he did not antagonize the peace policy which had been pursued for over fifteen years past with excellent success, he was reluctant to favor further efforts that meant the

diminishing of the Indian domain, under an impression that the Indian had already given up as much of his domain, and probably more, than his welfare demanded. In closing his review of the Indian question, he says:

I recommend the passage of a law authorizing the appointment of six commissioners, three of whom shall be detailed from the army, to be charged with the duty of a careful inspection of all Indians upon our reservations, or subject to the care and control of the Government, with a view of discovering their exact condition and needs, and determining what steps shall be taken on behalf of the Government to improve their situation in the direction of their self-support and complete civilization. That they ascertain from such inspection what, if any, of the reservations may be reduced in area, and in such cases what part not needed for Indian occupation may be purchased by the Government from the Indians and disposed of for their benefit. What, if any, Indians may with their consent be removed to other reservations with a view to their concentration. The powers and functions of the commission should be strictly defined.

Congress evidently was not favorably impressed with the President's suggestion for a commission of six, who could ascertain little more by the investigation recommended than was already officially and correctly known from the proceedings of the commissioners who had already gone over the field during the past three years, supplemented by the investigation of the Logan Committee from the Senate, and from the councils held with the Indians in Washington and on their reservations. No serious effort appears to have made to act upon the recommendation of the message, but bills were introduced to pursue the plan already undertaken, though little or no progress was made in any way during the first three years of Cleveland's term, and this may have been due to the knowledge that the legislative and executive departments were not in agreement on the Indian policy. Mr. Cleveland's extreme reluctance to signing the bill finally passed in 1887-88 indicates his want of confidence in that plan of procedure.

The President made no mention of the effort being made to divide the Territory of Dakota, or in reference to statehood. In fact he quietly ignored the Dakota question, certainly not through ignorance of the existence of the territory, for he had been almost daily besieged by Dakotans who were applicants for office, many of whom were successful in securing an appointment. He found his party in Dakota awkwardly divided on many matters, and possibly wisely, he decided not to commit himself regarding the division project. And he was astute enough to preserve his non-committal attitude to the close of his term, unless his approval of the Omnibus bill under which the states were admitted and which was passed during the last days of his term, signified his friendliness for the division and statehood programme.

In June following the President had concluded that there might be an injustice inflicted upon the whites should they be forcibly evicted, and he therefore determined to let them remain on the land and await the action of Congress at the next session. He proposed at that time to let the matter rest until Congress should assemble in December, and then lay the situation at Crow Creek before that body. Again shortly following this determination, hostile counsel appears to have control of the mind of the chief magistrate and his cabinet, and quite contrary to the expectation of the settlers on the disputed lands, the President insisted upon the removal of the whites, by military force if necessary, and in September the agent at Crow Creek, Maj. John Cassman, gave out an order received from the Indian bureau at Washington, ordering all whites to remove from the lands within twenty days. That he had been given authority to call for a military force to compel the removal, in case the settlers refused to obey this order. The settlers appear to have been anticipating an order of this kind, and had agreed to stand together and remain on their claims, until forced off by the bayonets of the troops.

Delegate Gifford, of Dakota, had advised the settlers to vacate when ordered off by the troops, if any were sent, and to return again to their claims when the troops left.

Senator Benjamin Harrison, of Indiana, a member of the Senate committee on Indian affairs, with others of the committee, visited the Crow Creek Reservation in July, 1885, and made a personal official investigation of the situation. The other members of the Senate committee were Ingalls, of Kansas, and Jones, of Arkansas. Ex-Delegate Pettigrew accompanied the commission to Crow Creek. The senators also visited Pierre and Chamberlain, and took considerable testimony regarding the reservation question. They found the conditions radically different from the representations that had been made to the President, this much they admitted, but made no further statement.

About forty patients confined in the insane hospital at Yankton, who had been sent to that institution from counties north of the 46th parallel, were removed to the new North Dakota hospital for the insane at Jamestown, on the 26th of May, 1885. For practical purposes this would indicate that the territory was already divided.

Thirty-five territorial prisoners that had been sent to the penitentiary at Sioux Falls from counties north of the 46th parallel, were transferred to the new penitentiary at Bismarck in 1885. The law required this, though there was abundant accommodation and employment for the imprisoned men at Sioux Falls.

The commission appointed by the department of justice at Washington consisting of Chief Justice Edgerton, U. S. Marshal Allen, Secretary of the Territory Teller, and Lieutenant Kingman, U. S. A., to inspect the newly completed United States wing of the penitentiary at Sioux Falls, examined the structure, formally accepted it as responding to the law's requirements, and turned the property and the keys over to the United States marshal.

The colony of Icelanders in Pembina County was increased by the coming in of about three hundred of their countrymen direct from the Fatherland, in the fall of 1882.

January 28th, 1886, Senator Sherman of Ohio introduced his famous silver purchase bill, which provided for discontinuing the coinage of silver dollars, and for the purchase of silver bullion in bars at the rate of not less than two million ounces a month, and not more than four million ounces a month, at the market price, and for the issue, in payment thereof, of coin certificates of not less denomination than ten dollars each, the bullion to remain in the treasury as security for the payment of the certificates. The bill became a law, and became a tremendous factor in our national politics.

#### THE SUPREME JUDGES

The Supreme Court of Dakota held its session at Yankton beginning Monday, May 11th, 1885. As there were six judges and all were republicans, all felt that they were probably assembled for the last time, and that before another session their places would be filled by representatives of the democratic party, by appointment from President Cleveland. A brief description of these officials at this time when they were about to transfer their ermine to brothers of the profession who represented a different school of politics, may not be out of place. As they sat in the court room, Chief Justice Alonzo Edgerton occupied the central seat. The chief justice was a robust man, well formed, full face with a beard sprinkled with gray, rather full, falling from a firmly set chin. The judge was about five feet nine inches in height, and ought to have weighed about two hundred pounds. He was a wide awake, genial gentleman, a well read lawyer and a student always. He possessed the confidence and esteem of his brother judges, and of the lawyers and of the people.

To the left of Judge Edgerton sat Judge Hudson, of Fargo, an elderly gentleman, a little taller than the chief justice, and no match for him on the scales, but he was a man of fine appearance, dignified and scholarly, and also was highly esteemed as an official and in private life.



To the right of the chief justice sat Judge Church of the Black Hill district, who from his appearance would be taken as the youngest member of the court. He was also the shortest of the members, a studious and deliberate appearing judge, and was reputed to be well learned in jurisprudence. He had been appointed by President Arthur from New York.

To the left of Judge Church sat Judge Palmer, of Sioux Falls, also a man on the sunny side of life, tall, well formed, active, with a student head surmounted by an abundance of hair tastefully trimmed. He was a bright lawyer and had given fairly good satisfaction as a judge, though his intimacy with Governor Culver may have been to his disadvantage. He had not been as circumspect off the bench as he might have been, entangling himself somewhat with the organization of counties at Devil's Lake to oblige his gubernatorial friend and fellow emigrant from New England.

At the left of Judge Palmer sat Judge Francis, of Bismarck, a tall, strongly built man, whose strangely shaped beard gave him an unusual appearance that would have attracted attention off the bench. He was one of the newest members of the court, having been appointed about a year earlier, but his reputation as a lawyer was high among the fraternity and he had proved himself a capable and upright jurist.

Judge Seward Smith, of Huron, had his seat at the right of Judge Church. In appearance, Judge Smith was the oldest man on the bench, rather delicate in his physical makeup for a Dakotan, and from the fifth district, which covered nearly a score of counties stretching from the Missouri to the eastern boundary. Nearly all the fiery county seat contests had occurred in his district, and he was on the road all the time when he was not holding court. Possibly this excessive and inexcusable activity had been indulged at the cost of his health. He was regarded with great respect by the lawyers and esteemed for his ability. His district furnished few cases for the Supreme court.

The circle was soon to be broken. Judge Hudson's term had about expired, and his successor had been named, a Mr. McConnell, of the Fargo bar, who became the first of Mr. Cleveland's appointments in Dakota.

The members of the bar present at this term were Edwin VanCise and Judge McLaughlin, of Deadwood; Fossett and Holmes, of Pierre; Ayres, of Huron; Miller and Walling, of Fargo; Westover, of Pierre; Thomas and Greene, of Fargo; Bromley, of Redfield; Briggs, of Moorhead; Bryant, of Sioux Falls; Holmes, of Pierre, and Bartlett Tripp, J. R. Gamble, Hugh J. Campbell, J. B. French, E. G. Smith, and William P. Dewey, of Yankton.

Col. C. A. Lounsberry, editor of the Journal at Bismarck had a very clear perception of the territorial situation in 1885, being one of the pioneers of Northern Dakota and always an intelligent representative of its substantial and best interests. He was frequently in Washington and had excellent opportunities for learning the temper of Congress toward Dakota, in 1885, and in stating his conclusions regarding division said it could be gained if the question of statehood should be dropped and only division asked for. The opposition to the statehood movement in South Dakota, he believed, would be misunderstood, and the impression created that the people of Dakota did not desire division. He said:

If Bartlett Tripp, Dan Maratta, Barney Caulfield and Judge McConnell could go to Washington and bring the matter before Congress, the republican politicians staying at home, the division of Dakota could be accomplished. It would have been accomplished three years ago had Judge Moody's delegation been satisfied with division. The memory of Colorado was too fresh in democratic minds to lead them to try the experience again.

The colonel also said he resigned his position as postmaster at Bismarck because he was a republican, and did not care to hang, or seem to hang onto the skirts of the democratic party for the sake of saving a few month's salary. He believed republicans holding presidential appointments ought to resign, and that those who did not resign ought to be removed, for when the administration became



democratic in all its parts then the people could judge as to whether democracy or republicanism was most desirable.

United States Senator Manderson, of Nebraska, a member of the Senate Committee of Territories spent several months during the fall of 1885 journeying through Dakota, gathering information at first hands concerning the division sentiment among the people, and also regarding the Indians in connection with the opening of a portion of the Great Sioux Reservation then pending. He visited a number of the cities as well as the Indian agencies. At Huron the people gave him an official reception befitting such an occasion, and adopted resolutions expressive of their appreciation of his visit and the public work he was promoting, a finely engrossed copy of which was presented to the senator. The senator expressed the most earnest friendship for Dakota—she was a sister to be proud of. He said there would be as much reason in consolidating Kansas and Nebraska as to advocate the admission of all of Dakota Territory as one state, and predicted that division was bound to come.

Already there appeared to be a North Dakota and a South Dakota and the prevailing custom was to speak of the sections as already constituting separate governments. Governor Pierce was somewhat partial to the northern section where his residence was fixed, and he was inclined to give object lessons by his official acts, which exhibited to the denizens of the southern section how great the inconveniences that were endured by the north in earlier years when the south half held the sceptre of power and authority.

The Judiciary Committee of the United States Senate introduced a bill on the 19th of December, 1885, providing for a Supreme Court of Dakota, having eight members including the chief justice, an addition of two. The territory was divided by the bill, into eight districts, the Fifth District as it then existed to be carved into three districts that were numbered fifth, seventh, eighth. The fifth included the following counties: Beadle, Kingsbury, Brookings, Spink, Hand, Hyde and Hughes counties. The Seventh District embraced Brown, Edmunds, McPherson, Campbell, Walworth, Potter, Faulk and Sully counties. The Eighth District was composed of Clark, Day, Marshall, Codington, Hamlin, Deuel, Grant, Roberts and the Sisseton Reservation. The bill became a law.

## CHAPTER XCVII

### FIRST RAILROAD TO THE BLACK HILLS

1886

IMMIGRATION AND SPRING FRESHETS—DAKOTA BAR ASSOCIATION—TREATY WITH MANDANS AND OTHER TRIBES—TURTLE MOUNTAIN RESERVE—JOHN B. RAYMOND DIED—STATE LEAGUE—REPUBLICAN TERRITORIAL CONVENTION—DEMOCRATIC TERRITORIAL CONVENTION—DAKOTA'S PROGRESS, CROPS, ETC.—RAILROAD TO RAPID CITY AND ELSEWHERE—GOVERNOR PIERCE TENDERS RESIGNATION—GIFFORD RE-ELECTED DELEGATE—LOUIS K. CHURCH APPOINTED GOVERNOR.

#### SPRING IMMIGRATION

The spring immigration from the eastern and central states to Dakota in 1886 began to be quite noticeable late in February and during a portion of March, indicating that the country had not been drained of the class who were inclined to go to the Northwest in search of homes and prosperity. There was at this time considerable Government land between the James and Missouri rivers south of the Northern Pacific Railroad, and these early comers had evidently been informed of the advantages of that large section, for nearly all made their way to the counties within that boundary. The Bismarck land district was also in favor with the homeseekers, and embraced millions of acres of the famous wheat lands. The early indications pointed to an unusually heavy immigration to the Deadwood district where a large area of fertile territory remained unclaimed but providing most excellent pasturage for the cattle kings. A new railroad was being built out from Rapid City, northwest, that would be of great advantage to the grain growers and live stock interests of the Black Hills region, and the railroad was also expected to pierce within the confines of the mineral regions into the very heart of the mountains.

The Missouri River broke up on the 22d of March, 1886, and the only incident of importance that accompanied it was an overflow, the result of a gorge, that for the first time in its history covered the Town of Elk Point. It was mentioned that Dr. L. C. Mead was at the heart of the overflowed district the day following the inundation which was the result of a gorge in the Missouri, going by boat from Elk Point on professional business several miles south, then by team one and a half miles, then the remainder of the eight miles southeast by boat. He found a depth of water averaging from one to three feet, farm houses were surrounded, the water entering the lower floor of some of them. Some ten thousand acres appeared to be covered, but the live stock was safe and no serious damage had occurred and none followed. When Elk Point was founded, the fact that it was "out of water" during a serious flood, recommended it as the place to build a town, and it had been able to escape the floods of the Missouri for over twenty years.

#### DAKOTA BAR ASSOCIATION

The Dakota Bar Association was organized by the judges and attorneys in attendance upon the Supreme Court at Yankton on Thursday, May 14, 1887. Preliminary meetings had been held and a committee appointed to draft articles of incorporation. The meeting was presided over by Hon. Bartlett Tripp, of

Yankton, with J. H. Westover, of Pierre, as secretary. John R. Gamble, chairman of the committee to draft articles of incorporation, presented the report of the committee, and stated that after a full examination of the statutes it had been found that the bar association under the organic act had a right to incorporate itself under the nominal form of a scientific association. It was therefore asserted in the articles that the association existed for the purpose of fostering and cultivating the science of the law and for procuring and maintaining a public library.

The name agreed upon was "The Dakota Bar Association." There was no limit to its existence. Seven directors were provided for in the articles, one from each judicial district and one at large. The report of the committee was adopted section by section.

On motion of A. D. Thomas, of Fargo, Yankton was named as the principal place of business of the incorporation. Seven directors were then elected by ballot, as follows: First District, Edwin Van Cise, of Deadwood; Second District, John R. Gamble, of Yankton; Third District, Alfred D. Thomas, of Fargo; Fourth District, J. W. Taylor, of Canton; Fifth District, J. H. Westover, of Pierre; Sixth District, J. A. Height, of Bismarck; at large, Bartlett Tripp, of Yankton.

The attorneys then stepped forward and signed the articles of incorporation.

The charter members of the association: A. J. Edgerton, Alfred Wallin, Hugh J. Campbell, M. W. Greene, A. D. Thomas, S. V. Jones, Edwin Van Cise, E. R. Horner, J. A. Holmes, M. E. Rudolph, W. C. Faucett, E. T. White, R. J. Gamble, J. W. Taylor, W. H. Francis, James A. Haight, J. H. Westover, John R. Gamble, L. B. French, E. G. Smith, W. E. Church, C. S. Palmer, L. E. Sweezy, W. B. McConnell, C. H. Winsor, Geo. R. Wilson, Seth Newman, A. W. Hastie, John R. Wilson, T. J. Walsh, W. E. Dodge, C. B. Kennedy, John E. Carland, C. T. Howard, George Rice, C. A. Pollock, F. L. Soper, I. W. Goodner, T. B. McMartin, Calvin J. B. Harris.

A meeting of the board of directors was appointed for a later date when the officers of the board would be chosen.

The bar association held an adjourned session during the term of the Supreme Court at Yankton, a year later, and completed the organization, which had lacked some essential details at the first meeting. At this meeting in 1866, a board of directors was appointed, consisting of Bartlett Tripp and John R. Gamble, Yankton; J. H. Westover, Pierre; A. D. Thomas, Fargo; F. Van Cise, Deadwood; J. W. Taylor, Canton; James A. Haight, Bismarck. This board of directors elected Judge Bartlett Tripp, president, and J. H. Westover, secretary.

Two delegates were elected to the National Bar Association to be held at Saratoga, N. Y., in August, 1886, and C. H. Winsor, of Sioux Falls, and George P. Wilson, of Fargo, were chosen as such delegates, with Judge A. J. Edgerton, of Mitchell, and W. E. Dodge, of Jamestown, as alternates.

Articles of incorporation and a set of by-laws were presented by a committee composed of R. J. Gamble, A. C. Davis and L. B. French, of Yankton, which were approved and adopted and the articles of incorporation ordered filed in the office of the secretary of the territory.

#### TREATY OF CESSION WITH MANDANS AND OTHERS

A treaty was concluded with the Mandan, Gos Ventres, and Arickaree Indians by the Northwest Indian commission in December, 1886, whereby the Indians ceded to the United States all that portion of their reservation lying north of the 48th parallel of north latitude, and also the larger portion of the territory lying between the Missouri River and the Fort Buford military reservation. The Indians also agreed to take lands in severalty on their diminished reservation east of the Missouri.

This treaty was a matter for congratulation especially in the northern part of Dakota. The Northwestern Indian commission, composed of Messrs. Wright,

Daniels and Larabee, negotiated the agreement. Nearly two million acres of land was transferred to the Government by the terms of the treaty, leaving an ample reservation on both sides of the river for the Arabs of the upper river. Fort Berthold was among the oldest and most famous Indian agencies of the United States, owing to its being the home of the Mandans, the tribe, part of whom were reputed to have descended from Prince Modoc's Welsh colonists, who are supposed to have been hopelessly stranded on the western hemisphere during the twelfth century. The number of Indians treated with was about thirteen hundred.

The same board of commissioners were expected to conduct the negotiations for Sioux Indian lands west of the Missouri as soon as the Dawes bill became a law, which, however, it failed to do during the year.

The Gros Ventres, Arickaree and Mandan Reserve as claimed by these Indians was thus described:

Beginning at the mouth of Heart River, and following up the Missouri to the mouth of the Yellowstone; thence up the Yellowstone to the mouth of Powder River; thence in a direct line to the headwaters of Heart River; thence down that stream to the place of beginning.

This reservation was recognized by the Government's treaty commission in 1865 when Fort Stevenson was located.

#### BOUNDARIES OF THE TURTLE MOUNT RESERVE

The commissioner of the general land office, Mr. Sparks, after considering the question of claims of the Turtle Mountain Chippewa Indians to a reservation in the northern portion of Northern Dakota decided that the band were entitled to a considerable body of land, much of it already occupied by white settlers. This band of Indians numbered about three hundred and fifty persons. The boundaries of the reservation allotted to them by the land commissioner were thus described:

Beginning at a point on the international boundary line about two miles west of the ninety eighth meridian west from Greenwich, and running parallel with that meridian south to the fourteenth standard parallel, from thence southwestwardly in a direct line to a point on the Cheyenne River in township 150. Thence following the channel of the Cheyenne to its headwaters, bending south in Sheridan County, thence north and west across the southwest corner of McHenry, the northeast corner of Stevens, and the southwest corner of Ward County, terminating in that direction at a point in Mountrail County twelve miles west of the 102d meridian of longitude; thence due north to the international boundary; thence to the place of beginning.

The reservation included the entire counties of Towner, Rolette, Bottineau, Wynn, Renville, Ward, Ramsey, and DeSmet, and the larger portion of the counties of Cavalier, McHenry and Benson, and a part of Mountrail, Stevens, Sheridan and Walsh.

#### DEATH OF JOHN B. RAYMOND

Ex Delegate to Congress John B. Raymond died at his home in Fargo on Sunday, January 3, 1886, of typhoid pneumonia. His illness was of short duration.

John Baldwin Raymond was born at Lockport, Niagara County, N. Y., December 5, 1854, removed with his parents to Tazewell County, Ill., in 1853. At the breaking out of the Civil war in 1861, he enlisted as a private from that county in the Thirty-first Illinois Infantry under Col. John A. Logan. Raymond was promoted to be captain of Company E of that regiment after the siege of Vicksburg in 1863. He served through the war, and remained in Mississippi after being mustered out. He published the Mississippi Pilot at Jack-



son, Miss., during the reconstruction of that state, and until 1877, when he was appointed by President Hayes to the office of United States marshal of Dakota Territory. He declined reappointment in 1881. He was nominated for delegate to Congress by the republican convention of Dakota in 1882, and elected by a majority of over thirty thousand. His term expired in March, 1885, since which he had given his attention to wheat farming in the northern part of the territory. Concerning his brief illness and sudden death it was learned that on Tuesday night previous to his death he went from his boarding house at Mr. Polk's where with his son Warren he was making his home to Mr. Folsom's in order to telephone some instructions to his farm, and while warming himself by the stove at Folsom's he remarked, "I have a severe pain in my left shoulder that I do not understand." He returned to his boarding place, and just as he reached Mr. Polk's door, and before opening it he fell unconscious, and was shortly after found and removed to his chamber. Physicians were called and pronounced him seriously ill, but until Friday he was not regarded in a dangerous condition. He was buried at the Arlington Cemetery near Washington.

#### STATE LEAGUE PUBLIC MEETINGS

Public meetings were held during the summer in every portion of the proposed new state which were addressed by the ablest speakers the territory could muster, and there were many of them for the purpose of increasing the voting strength of the state league, it being manifest that there had crept into the statehood movement an element of estrangement, which divided them into a conservative and a radical faction—the latter inclined, in the event of the failure of Congress to afford the desired relief to set the machinery of the new state in motion independent of the will of the majority of Congress. The former opposed this. The State League, however, was not committed to the radical program but favored the election of members of the Territorial Legislature, which election would come on in November of representatives who were uncompromisingly for division and statehood, in order that the Legislature might be depended upon to give the weight of its authority, lawfully expressed, in favor of these objects. As the aims of the league were clearly defined with no ambiguity, the popular approval of its purposes appeared most emphatic and nearly unanimous, after a very thorough canvass of the south portion of the territory. In fact there seemed to be so little opposition that there was an abatement of the vigor which had characterized the first months of the campaign.

At the same time the preliminary campaign for the territorial conventions, called for nominating a candidate for delegate to Congress, was claiming its share of public attention. On the republican side Delegate Gifford, who desired a re-election, was opposed by United States Marshal Harrison Allen, of Fargo, while Minnehaha County was supporting a home candidate, Hon. Melvin Grigsby, giving to the contest as between Gifford and Allen, a sectional aspect, which in fact it was—the north against the south. The issues of division and statehood were not in question, but were apparently affirmatively supported by all factions.

The Democratic Territorial Convention was called for September 20th, a week later than the republican convention, and Hon. John R. Wilson, of Deadwood, appeared to have the lead for the delegate nomination. The democratic nomination was a matter of considerable importance at this time, owing to the change in the executive department at Washington, and though the candidate would probably be defeated at the polls, the nomination would entitle him to the position of a leader and give him a potent voice with the President concerning Dakota affairs. It was also a rule in politics that defeated candidates, who were worthy men, were entitled to substantial recognition by the appointing power. The public mind may be said to have been largely occupied with politics during 1886, as much so as in any year of Dakota's territorial history, but there was no undue excitement at any time—none of the intensity of feeling that marked the course of events in 1883.

## TERRITORIAL REPUBLICAN CONVENTION

The official call for the Republican Territorial Convention of 1886 was published in June, calling the convention at Yankton in September. The following gives the text of the call and the names and number of delegates each county was entitled to. There were eighty-seven counties, and the aggregate number of delegates was 498, as follows:

The Republican Territorial Convention will be held in Yankton on Wednesday, September 22, 1886, at 10 o'clock A. M. The convention will be called to order by the chairman of this committee, or in his absence by some other person to be selected by the members of this committee present, for the purpose of placing in nomination a candidate for delegate to Congress and transacting such other business as may properly come before said convention.

In said convention the representation shall be one delegate from each organized county, and additional delegates based upon the population of said counties, according to the territorial census of 1885, at the rate of one delegate to said Territorial Convention for each 1,000 inhabitants or major fraction thereof.

Counties organized subsequent to this call and prior to the convention shall be entitled to one delegate each upon the presentation of a certificate from the proper territorial officials of each organization.

Aurora, 7; Barnes, 9; Beadle, 12; Benson, 2; Billings, 1; Bon Homme, 8; Bottineau, 2; Brookings, 9; Brown, 15; Brule, 9; Butte, 1; Butte, 1; Burleigh, 6; Butte, 1; Campbell, 3; Cass, 20; Cavalier, 6; Charles Mix, 4; Clark, 7; Clay, 7; Codrington, 7; Custer, 4; Davidson, 7; Day, 7; Deuel, 5; Dickey, 7; Douglas, 6; Eddy, 2; Edmunds, 6; Emmons, 2; Fall River, 1; Faulk, 5; Foster, 2; Grand Forks, 17; Grant, 7; Griggs, 4; Hamlin, 4; Hand, 9; Hanson, 5; Hughes, 5; Hutchinson, 7; Hyde, 3; Jerauld, 4; Kidder, 2; Kingsbury, 7; Lake, 6; LaMoure, 5; Lawrence, 21; Lincoln, 7; Logan, 1; McCook, 6; McHenry, 1; McIntosh, 1; McLean, 2; McPherson, 2; Marshall, 5; Mercer, 1; Miner, 7; Minnehaha, 18; Moody, 6; Morton, 6; Nelson, 5; Oliver, 1; Pembina, 15; Pennington, 8; Potter, 4; Ramsey, 7; Ransom, 7; Riceland, 10; Roberts, 3; Rolette, 2; Sanborn, 6; Sargent, 6; Spink, 18; Stark, 3; Steele, 4; Stutsman, 8; Sully, 3; Towner, 1; Traill, 11; Turner, 7; Union, 8; Walsh, 18; Walworth, 2; Ward, 1; Wells, 1; Yankton, 10. Total delegates, 502. Number of counties, 86.

Signed: A. C. Mellette, J. A. Stoyell, M. H. Jewell, L. E. Nelson, H. S. Oliver, A. W. Edwards, J. A. Muro, J. Nickeus, W. F. Steele, J. Van Deusen, F. D. Hughes, J. H. Wheeler, T. K. Long, M. H. Kelley, E. B. Dawson, J. R. Gamble, A. Davis, B. F. Campbell, R. W. Welch, W. C. Houghton, H. J. Patterson, L. A. Pickler, N. B. Reed, K. O. Phillips, Seth Bullock, Sam Roy, C. F. Johnson, A. D. Clark, S. S. Lockhart, Central Committee.

Done at Aberdeen, D. T., June 22, 1886.

S. H. ELROD, Secretary.

The following resolution was unanimously adopted by the committee:

Resolved, Believing it would be of advantage to the party, this committee recommend to the next Territorial Convention that the Republican Central Committee of the territory be selected hereafter as follows: That the delegates from each legislative district be authorized to name a member of the Central Committee and report it to the convention, and that the convention shall select one from each judicial district of the territory, for approval, and one member at large, who shall be chairman. This resolution is presented with the call, in order that members of the convention may be given notification for discussion.

S. H. ELROD, Secretary.

A. C. MELLETTE, Chairman.

The fourteenth biennial convention of the republican party of the territory was held at Yankton on Wednesday, September 22, 1886. The convention was composed of 504 delegates, every county being represented. Prior to the meeting of the convention the Gifford forces, which were largely in the majority, held a caucus at which a temporary and permanent organization of the convention was agreed upon.

The Allen delegates, who were mostly from the northern counties, likewise held a caucus, but were unable to effect any combination that encouraged further effort in the direction of Allen's nomination, and their caucus adjourned without taking any formal action.

Colonel Grigsby's friends were evidently expecting that the Allen and Gifford forces would become entangled in a deadlock which would demand the calling in of a third party in order to secure an amicable arrangement. At least that faction held no caucus.

During the hours succeeding the preliminary proceedings mentioned, the various elements came together. Aleck McKenzie, though a staunch democrat, was present with Alexander Hughes and the Burleigh County delegation, and it is presumed that he arranged an amicable agreement whereby the southern portion of the territory should have the candidate for delegate, and the northern section, the chairman of the Territorial Central Committee, a position of considerable importance and influence, and at this time considered only second to the delegateship as a representative of the party. The north therefore felt that it had secured adequate recognition.

The convention was called to order on the morning of the 22d by Hon. A. C. Mellette, chairman of the Central Committee, who made a brief speech as follows:

Gentlemen: According to usage you meet as the representatives of the republican party of the Territory of Dakota, to place in nomination a candidate for delegate to Congress. I trust that the usual harmony that characterizes Dakota's political conventions may prevail among you. (Applause.) That that spirit of fairness and justness, for which you are proverbially noted on such occasions may possess you, and that you will do everything that is necessary to be done at this time to strengthen republicanism in this territory. The reign of the infamous organization, called by some and known as the democratic party, has never subsidized nor terrorized the republicanism of Dakota. (Applause.) I may say, too, that you have not been victimized by that tempting bait, so invitingly held out at the White House, and known as fricaseed mugwump, angle worm bait. (Applause.) You have not been deceived by it. It will hang before you undisturbed. While the rest of the administrative powers of the earth seem to be against you, an almighty and just God smiles upon you. He makes fruitful your glorious prairies by sunshine and showers, and while he blesses, men may curse. The outrageous infamy practiced upon you by the democratic administration of this country, in denying the right of self-government to a half million American citizens, you can stand. You can even stand the policy of the department which proposes to take from the honest settlers their honest homesteads, for the benefit of the democratic party. You can, if necessary, stand all this, and great reservations filled with worthless Indians. You can withstand it, and prosper and flourish in the future as you have done in the past, to the astonishment of the world, so long as the God of Heaven continues to bless you in this bountiful land. This is strictly a business meeting, gentlemen, and I shall read the call under which you are assembled.

The chairman then read the call as previously printed herein, after which Delegate Taylor, of Lincoln County, nominated Col. B. M. Evans, of Grant County, for temporary chairman, which was seconded by Delegate Hughes, of Burleigh County, and on motion of Mr. Plummer, of Traill County, Colonel Evans was elected by acclamation. This harmonious choice of a temporary chairman removed all apprehensions of an inharmonious convention, and the subsequent proceedings were so devoid of even the appearance of opposition, that it gave a colorless hue to whatever business was transacted. Chairman Mellette appointed Messrs. Hughes, Johnson, and Wheelock to escort the temporary president to the chair of authority, from which place Mr. Evans addressed the convention as follows:

Gentlemen of the Convention and Fellow Republicans:

The ordinary civilities of such an occasion as this compel me to tender you my thanks for the honor which you have conferred. I am deeply sensible of this honor. I would not be content to simply return to you a formal vote of thanks. It would be absurd for me to attempt to hide the gratification I feel because of the honor which you have conferred. I feel that words are unable to express the sentiments of my heart, and I say this in all sincerity, because I regard this convention as the most important that has ever been called together in the Territory of Dakota. It is important, gentlemen, because, as I understand it, it is the first distinctive republican convention which has ever been called together in the territory. It therefore becomes historical in its very nature, a proud event, and more especially because the nominee of this convention will be the congressman elected from the territory. (Applause.) Now, this occasion tempts an enlargement of the themes that occur to me as I stand before you, but I know that we are met here for business, and that whatever I might say would be apparently of little effect upon your determinations, because your divisions, whatever they may be in this convention, are divisions on matters of expediency and matters of practice. Heretofore your divisions have been for personal ends. They have been wrangles for political preferment of individuals, but I feel that in the First Republican Convention gathered in the territory, that all differences of opinion that there may be



will be founded upon the principles which characterize the Republican party. I thank you again gentlemen for the honor conferred. The next duty, I suppose, will be the nomination of a temporary secretary.

Whereupon Delegate Gamble, of Yankton, named Mr. McManima, of Hughes County, and he was elected.

A committee of nine on credentials was appointed, composed as follows: Fahnstock, of Codington; Hunt, of Spink; Taylor, of Lincoln; Brown, of Potter; Hubbard, of Cass; Parker, of Walworth; Pierce, of Pennington; Darley, of Beadle; and Spencer, of Ramsey.

A Committee on Permanent Organization was appointed, composed as follows: Jones, of Turner; Scott, of Grand Forks; Wheeler, of Morton; Fowler, of Pennington; Boyle, of Minnehaha; Johnson, of Hyde; Dawson, of Clay; Ronald, of Deuel; Randolph, of Brule; Clark, of Custer; Stewart, of Fall River; Bowman, of Brown; Steele, of Kidder.

Mr. Elrod, of Clark County, was elected an additional secretary, and the chair on motion appointed the following named delegates a Committee on Resolutions:

Messrs. Mellette, of Codington; Nickens, of Stutsman; Owen, of Kingsbury; Adams, of Day; Mayhew, of Sanborn; Gamble, of Yankton; Potter, of LaMoine; Talbot, of Minnehaha; Pickler, of Faulk; Skillman, of Brown; Edwards, of Cass; Wilson, of McCook; and Wheelock, of Dawson.

During a waiting period caused by the inability of the Credential Committee to complete its report, addresses were made by Colonel Plummer, a famous orator from the north; by E. W. Caldwell, territorial auditor; by Hon. Johnson Nickens, of Jamestown; and by Gen. Harrison Allen, of Fargo. The Committee on Credentials then made its report, as follows:

Mr. Chairman: We find the following named persons entitled to seats in this convention, from the counties named: Aurora County—H. M. Clark, proxy for Riser, W. H. Hooper, H. C. Holmes, Albert Brown, Henry Rathburn. Barnes County—Herbert Root, J. S. Weaver, P. P. Pearson, Otto Becker, G. M. Wing, C. A. VanWormer, C. E. Dennett. Beadle County—S. C. Nash, two votes, C. M. Harmon, A. Davis, Robert Lowery, two votes, R. D. Wharton, C. S. Fassett, Ed Sterling, J. B. Kelly, John Cain. Bon Homme—C. H. Stillwell, W. T. Williams, A. W. Lavender, W. A. Cole, G. W. Snow, B. R. Wagner, Daniel Wilcox, A. W. Seaman. Brookings—J. O'B. Scobey, three votes, W. W. Wright, J. L. Pratt, A. D. Barwood, H. S. Murphy, two votes, Wm. Fisher. Brown—Phil Skillman, S. H. Jumper, J. D. Reeves, A. Green, T. A. Luce, J. B. Richards, C. T. McCoy, J. P. Allison, W. T. Elliott, L. H. Bowman, Henry Hays, J. B. Root, A. W. Campbell. Brule—J. R. Lowe, W. H. Cobban, W. B. Wait, H. N. Cooper, A. F. Rudolph, J. T. Stearns, two votes, A. D. Baker, M. E. Rudolph. Buffalo—Frank R. Aikens, E. P. Oschner. Burleigh—Alex Hughes, Alex McKenzie, W. H. Jewell, C. B. Little, F. A. Leavenworth, C. N. Hunt. Butte—James Carney, H. J. Grant, G. C. Moody. Cass County—A. W. Edwards, O. W. Francis, J. C. Gilly, W. F. Ball, R. S. Tyler, J. H. Gale, Charles Scott, A. Marchman, E. V. McNight, Chas. Fossay, N. K. Hubbard, J. A. Johnson, A. McHench, J. M. Watson, C. T. Clenert, A. D. Thomas, A. H. Lowery, V. Landquist, H. G. Dish, B. F. Kellar, W. M. Miller, Geo. I. Foster. Cavalier—P. H. Daughy, E. A. Dow, P. G. Brow, J. A. Nelson, P. McHugh, J. A. Hovey. Charles Mix—J. G. Jones, S. M. Lindley, S. H. Welch, two votes, D. Whitridge. Clay County—George Richardson, E. B. Dawson, A. J. Faulk, Jr., Hans Myron, S. W. Kidder, F. W. Hart, T. H. Ayers. Codington—T. A. Kingsbury, Frank Crane, A. C. Mellette, E. G. Fahnstock, H. R. Pease, D. C. Thomas, E. N. Brown. Custer—A. D. Clark, two votes. Davison—G. A. Johnston, R. W. Wheelock, W. L. Warren, E. S. Johnston, J. M. Washburn, Levi Brown, W. N. Perry. Day County—J. C. Adams, W. H. Ware, G. L. Sharretts, John Norton, C. H. Sheldon, E. Bryant, G. S. Maynard. Deuel—C. J. Ronald, W. Aikens, A. B. Anderson, A. W. Hyde, M. F. Greeley. Dickey—H. J. Mallory, W. H. Ellis, W. E. Hadley, Frank Jersbeck, W. Moran. Douglas—H. N. Grant, J. C. Ellinger, LeCocq, K. G. Foster, T. M. Stewart. Edmunds—W. G. Ruggles, four votes. Emmons—G. J. Davis, two votes. Fall River—A. S. Stewart. Faulk—John A. Pickler, D. McKay, E. Sickle, G. B. Dyer. Grand Forks—George B. Winship, seven votes, Wm. Budge, fourteen votes. Grant—D. M. Evans, J. C. Knapp, A. B. Smedley, J. W. Bell, F. A. Eldridge, H. Hocum, O. J. Schele, L. Drake. Hamlin—W. F. Lahr, five votes. Hand—T. M. Wilkins, six votes, G. L. Pinkham. Hanson—Thomas Scofield, L. C. Taylor, two votes, W. S. Logan, F. W. Foster. Hughes—J. C. MacManima, H. O. Besancon, C. I. Crawford, C. H. Walworth, J. S. Schree. George Schlosser. Hutchinson—J. C. Boyles, E. Thymie, T. A. Morris, Henry Hiel, Chris Buechler, Jacob Gunder, Thomas Harding, Eli Myers, M. T. Reeves, E. S. Homer. Hyde—



A. B. Vines, Eli Johnson, G. W. Honey. Kidder—W. F. Steele, three votes. Kingsbury—C. B. McDonald, J. A. Owen, John Imlay, J. B. Hall, L. J. Bates, D. M. Pierce, A. B. Smith, H. A. Whiting. Lake—W. F. Smith. H. J. Patterson, C. B. Kennedy, Chas. Miller, A. Harms, John Wadden. LaMoure—Waldo F. Potter. Lawrence—G. C. Moody, four votes, S. B. Christ, James Carney, three votes, Jno. P. Belding, three votes. Clark—S. H. Elrod, G. E. McGill, Paul Dutcher, E. F. Dunn, Walter Beril, H. H. Willing. Moody—George Rice, J. H. Eno, two votes, W. C. Lampson, two votes, Wm. Ramsdell. Miner—L. H. Brown, S. H. Brownson, J. G. Eddy, F. M. Lighthizer, G. Green, J. C. Coffee. McCook County—E. H. Wilson, B. B. Brown, T. H. Conniff, Z. Parris. Oliver—D. B. Parmenter, George Harmon. Nelson—T. J. Baird, W. S. Fowler. Morton—J. J. Luck, G. W. Harmon, G. B. Woodward, E. Bailey, F. K. Long, John H. Wheeler. McIntosh—W. Moran. McPherson—Not represented. Minnehaha—W. A. Wilkes, J. F. Norton, D. R. Bailey, G. W. Lear, Mark Bridge, C. H. Winsor, L. S. Gage, W. E. Wiley, Porter P. Peck, S. E. Young, W. B. Coyle, A. C. Folsom, Walter Crisp, Frank Ford, C. H. Wangness. Pembina—C. C. Gifford, thirteen proxies. Potter—James Bryson, W. C. Stone, H. F. Measham, delegates present cast full vote. Richland—Fred Tolly, ten proxies. Roberts—John Little, J. H. Lange, A. L. Giles. Pennington—A. J. Simmons, J. W. Fowler, John R. Brennan. Spink—Members present to cast full vote. D. H. Hunt, F. H. Craig, B. H. Bow, proxy held by F. L. Ferris, John Fassett, E. B. Karns, proxy held by F. J. Cory, Joseph Inness, proxy held by D. N. Hunt, J. O. Ewing, Gus Reese, R. W. Dunlap, H. F. Hunter, proxy held by D. N. Hunt, Frank Waller, proxy held by D. N. Hunt. Ramsey—O. B. Spencer, four votes. Sargent—Fred Falley, Eifred Elsworth, S. M. Lockwood, E. A. Enochson. Sully—Wm. Toomey, D. F. Sweetland, N. E. Kinnell, C. H. Agas. Stutsman—Johnson Nickeus, B. M. Hicks, R. E. Wallace. Stark—M. H. Jewell, three votes. Sanborn—T. D. Kanouse, J. E. Whiting, Thos. Taylor, H. E. Mayhew, C. W. Van Tassell. Turner—E. V. Jones, C. M. Peir, C. B. Valentine, Thos. Espy, Hugh Langan, John Van Osterlor, J. E. Hazlett, Joel Fry, T. B. Buchanan. Towner—H. W. Dickinson, O. B. Spencer. Traill—W. C. Plummer, W. H. Robinson. Walsh—John Montgomery, fourteen votes. Union—S. S. Adams, J. Moore, Martin Johnson, J. M. Talcott, C. F. Mallahan, D. Ross, C. H. Williams, C. C. Gifford, Andrew Olson. Yankton—Newton Edmunds, B. S. Williams, J. A. Potter, J. L. Pennington, J. R. Gamble, A. L. Pfeiffer, L. Howard, T. Gunderson, W. H. McVay, Jacob Hanson.

Following the adoption of the report came the report of the Committee on Permanent Organization as follows:

For chairman, Judge C. G. Moody, of Lawrence.

Secretaries—John Cain, of Beadle; S. H. Elrod, of Clark, and P. K. Long, of Morton. The report was unanimously adopted, and Messrs. Steele, Moran and Gamble were appointed a committee to conduct the chairman-elect to the platform. Before proceeding with the business of the convention Judge Moody delivered the following address:

Gentlemen of the Convention: I acknowledge to you the obligations I rest under for the honor that you have conferred upon me in selecting me for this position. This is an important epoch in the history of Dakota Territory. It is an important event also in the history of the republican party of the territory, and it is not meet that I should occupy the attention of this assemblage in entering into a discussion at any great length, because you are anxious to return to your homes. But it is proper that I should call your attention to certain questions which have been suggested to me by the conditions which surround us.

It may be said that the entire Territory of Dakota is represented in this republican convention. North, south, east and west are alike represented, and it seems to me that there is a unanimity possessing you which augurs well for the future of the territory, as well as for the future of the great party to which we have the honor to belong. It is true we are debarred from discussing or at least from taking any part in the determinations of governmental affairs. It is true that whatever discussion we may enter into is merely for the purpose of placing ourselves upon record as republicans, supporting republican principles. There are questions which incidentally are important to the people of the United States, in which we are interested and which questions it is proper for us to discuss.

The Territory of Dakota as it stands today is the peer of many states in the Union in every respect which qualify a people for self-government. We are in the position of an outlying colony of the United States Government. If one reflects for a moment he will find that the colonial system, which was so much deprecated by our forefathers, which was claimed to be the correct system by the British government, has been continued by this Government ever since the first acquisition of territory outlying the then states of the Union, while we find that that same British government which our forefathers so justly complained of, has progressed as nations have progressed in civilization and enlightenment, and we now find that these British colonies are today substantially the first government, while the people of the territories are in no sense self-governed.

Now the question of the habiliament of the people of Dakota Territory with statehood and self-government, is a question that is before us, and it is before this great nation, and

from now until November 18, and will be heard and debated the whole winter, so that the people suffer. In the State of Maine, during their campaign this summer, the history of the wrongs of the democratic party toward Dakota was given from every stump. You find the same going on in California, you find today the same in Connecticut, and you find again the republican party of Iowa rallying to our assistance. So that it has become a great national question.

Now, the question of the division of this territory, and the question whether it shall come into the Union as one or two states, is a question which is not only for the people of the territory but for the people of the United States. And upon that question the people of the territory may in some sense aid. Year upon year, from the earliest history of the territory, it has been desired, and the people, as it seemed from the expressions made through their representatives, that this great people should be divided, and the political system as to these people were justly entitled should by this division be increased. Then again, taking advantage of the permission which the representatives of this great people accord to the people of South Dakota, South Dakota proceeded in the first instance to prepare herself for admission into the union of states.

That preparation was made and made orderly. It was made wisely, and an application was made to the Congress of the United States. That application, by the republican party, was seconded without dissent. The republican party as represented in the Congress of the United States, has not for one moment refused to concede to the apparently expressed will of the people of Dakota Territory. But, added to the wrongs which the democratic party has committed upon the people of the territory, it has added this additional wrong and wrong to the people of Dakota Territory. It is true that there are democrats capable of seeing justice, and that they are ready to join with the republicans in giving to this people the justice which it demands, but they were not sufficient in number to control the organization. The consequence was their voices were not heard, but the voices only of those representing the majority could be heard or understood. This has made the democratic party of the United States responsible for the injustice to Dakota. This has put the democrats upon record in such responsibility, and that record is being spread in this campaign all over the United States. The issue is the same precisely that was made by our forefathers when the revolutionary proceedings were originally inaugurated. It is precisely the issue that led up to the Declaration of Independence. It is precisely the issue that was fought out by the revolutionary fathers, and it is the same precise issue that was made long years afterwards, when the claims of Kansas were made to bleed with the blood of our martyrs. It is the question of self-government for the American people.

Upon that issue I have no anxiety so far as the final result shall come. I am satisfied that the great heart of the American people is right. That it will always be found upon the side of right and justice. Time may be required in order to put the sense of this great heart into motion. But the time will come, and we hope it will come speedily, when justice will be done to the people of this great territory.

Now, upon the question of selecting boundaries and area, I recognize the fact that it will be well to take the sense of the people thereon. And therefore I say that there is no citizen of Dakota that will go on with greater earnestness, with more earnestness than I will to so arrange that before either of the divisions, as they have been commonly accepted, of this great territory shall be separated one from the other, into separate political organizations, whether separated or whether as one community, let us all understand from now and forever that we are brethren, and brethren of this great Northwest with common interests. (Applause.)

I believe I have nothing to disguise and never had, and believe it is for the interest of the people, that the territory should be divided somewhere near the parallel of latitude that has been named. (Applause.) I believe that it is better for a community when organizing into a state, that it shall be done in a way that will give it a strong and substantial basis, that will give it a compact government, so that every man may know the men that govern him, and every man be able, if he does not know him personally, to ascertain his qualifications. It is a maxim which cannot be disputed, and which has grown with the American nation, that the closer the people are to the Government, the better the people are governed.

Again, I have had the privilege, and it has been a privilege in some respects, to understand the sentiment of the republican party of the nation, as represented by its leading men, and while once there existed a doubt on the side, I am confident that doubt has been thoroughly dissolved, and so long as the republican party is in power in the Senate, I am confident they will not consent to fritter away the political power which belongs to the people by the admission, as one state, of great areas of this great Northwest Territory.

We find that the democratic party has seized with a grip of iron the entire south. It is as solid as the mountain range that passes through its borders. It is no more possible, in my judgment, to loosen that grip, than it would be, by a great lever, to overturn this great range of mountains.

These, in my judgment, are some of the reasons why we may expect that if we ask admission we must ask it in a way in which we have asked it, as a divided territory, in order to succeed. Let me say to you I know the fact to be that our friends in Congress are perfectly willing that the question of division shall be submitted to a vote of the people of the whole territory. I want to say that it is violating no public confidence that after the bill for

admitting South Dakota had passed the Senate, and was pending in the House, our friends on the committee had a consultation with Mr. Gifford and other representatives in Washington. Our friends on the committee offered an amendment to the bill, submitting the question of the division of the territory, and making the admission of South Dakota dependent upon a vote of the people. That is just and right. Let me say to you again, so far as I am individually concerned, while I do not believe it is possible to accomplish the admission of Dakota as one state, while I do not believe it is for the best interests of the people to accept admission as one state, I want to get out of this condition, and you all want to get out of it. Our material interests are suffering. We are deprived of the proper use of the courts. Everybody knows the courts are entirely insufficient for the business. We are deprived of representation, and we have taxation without representation. They do not allow us even to spend the money that we raise for taxes. It is expended under the auspices of the Government. We pay them revenue, but they accord us no right to say how any portion of that revenue shall be expended. Honorable gentlemen, pleasant gentlemen, gentlemen of dignity and ability and character, that we like, are sent among us as they were in olden times by the British government. We have no voice in their selection. Though we may learn to love them, there is that in the heart of an American citizen which makes him dislike to be governed by any tribunal in which he has not a voice.

Now, gentlemen, I trust we shall proceed in an orderly manner with the work which we have been entrusted to perform. I have learned with the greatest pleasure of the entire unanimity which has thus far prevailed, and is likely to prevail in this convention. You are to be commended for it. I will say, in my judgment, the example you have set by your forbearance one with another, has placed you before the American people as capable of self-government, and the peer of any nation on the face of the earth. (Applause.) Let us continue with the good humor and harmony which have prevailed. If differences arise among us let us reconcile them as best we may, with justness and fairness. And let us proceed so that we will be commended by our fellow citizens that sent us here, and by our own consciences.

On motion the convention then proceeded to the nomination of a candidate for delegate to Congress; whereupon Hon. Melvin Grigsby, of Minnehaha, who had a considerable following in the convention who had intended to support him for the nomination for delegate, then took the platform and nominated Hon. O. S. Gifford, of Canton, for the office of delegate to Congress. Mr. Grigsby stated that he favored the renomination of Judge Gifford, and division and statehood, and only in the event of Gifford's defeat for the nomination would he become a candidate. The speaker further said, if he was an orator, nothing would afford him more pleasure than to sound the praises of Mr. Gifford which had been fairly earned, but there were occasions when facts and figures spoke with more convincing power. A brief review of Gifford's career in Congress was given, when the speaker concluded by moving that Mr. Gifford be declared, by acclamation, the nominee of the convention for delegate to Congress. (Prolonged applause followed.)

Whereupon Gen. Harrison Allen, of Fargo, who had likewise been a candidate for nomination, took the platform, and in a few appropriately chosen phrases, and with a most charming eloquence, seconded the nomination, and the motion; while Mr. Fowler, of Pennington County, for the Black Hills people, joined in seconding the nomination.

The chair then announced, "As many of you as are in favor of the motion of Mr. Grigsby, will rise in your seats and say 'aye.'" Every delegate rose and with one voice pronounced an unanimous "aye." And the chair then declared O. S. Gifford to be the unanimous nominee of the convention for delegate to Congress.

This proceeding marked the third occasion, when a republican candidate had been named with such unanimity, since the organization of the territory. The first nomination so made was Burleigh in 1864; the second, Kidder in 1874.

Mr. Gifford, by invitation, appeared before the convention and in appropriate terms accepted the nomination and gave a review of Dakota matters before Congress.

Judge C. S. Palmer, of Sioux Falls, appointed one of the associate justices of the Supreme Court of the territory while the capital commission bill was pending, had become a candidate for delegate, presumably upon the suggestion of ex-Governor Ordway, who favored him because "he was less openly pronounced



for division than Gifford," and Mr. Grigsby entered the field to prevent Palmer from carrying the county, and succeeded. Division was made the principal issue, by the republicans, in the pre-convention campaign of 1886.

The committee on resolutions then made their report, which was adopted after much discussion. The text is here given:

Resolved, That the republicans of Dakota, in convention assembled, hereby declare their unwavering support of the principles of the republican party as enunciated in the national platform of 1884, as they are proud of the record of this great party and of its brilliant achievements during the period of a generation of men.

Resolved, That the material and moral interests alike of the Indians and citizens of Dakota, demand the immediate reduction of all the Indian reservations within the limits of the territory to the end that the vast areas of unoccupied lands may be opened to settlement by those seeking homes among us, and as providing means for the civilization and comfort of the Indians, and that we denounce the failure of the democratic House of Representatives to enact the Dawes Bill for opening to settlement a portion of the Great Sioux Reservation, as inexcusable and unexplainable.

Resolved, That the administration of the general land office, under Commissioner Sparks, has been characterized throughout by gross ignorance on his part of the character of the people who have planted the homes, builded the cities and developed the resources of Dakota, or else he has purposely wronged and villified an honest, loyal and intelligent people. That his policy toward the Northwest, and particularly toward the honest settlers of Dakota, is based neither on law, precedent or justice. That he has reversed the well established principle that a man must be considered innocent until he is proven guilty, and that his oft-repeated statement that ninety per cent of the public land entries in the Northwest are fraudulent, is inspired by ignorance, uttered with malice, and sought to be sustained by the most unwarrantable, unjust, and hitherto unheard of rulings and regulations.

Resolved, That we denounce the vetoes by the President of the bills passed by both Houses of Congress, for the relief of Union soldiers and their widows and orphans, without excuse other than the miserable pretense of economy.

Resolved, That our sympathies go out to Ireland for her grand struggle for home rule. Such aspirations are patriotic and right and without them no people are worthy the name of free men, and may God speed the day when Dakota and Ireland alike, shall enjoy that blest boon of free men, a government "of the people, by the people, and for the people" in all local affairs.

Resolved, That recognizing the liquor traffic as an evil, this convention declares in favor of the home as against the saloon, and pledges the party to such legislation as is necessary to protect the people of the territory from the evil influences of the sale of intoxicating liquors as a beverage.

Resolved, That the will of the people of all Dakota in favor of division of territory on an east and west line, has been so clearly and so frequently expressed during the past fifteen years, that there is no reasonable doubt of the determined purpose of a large majority to hold on steadfastly till this purpose is accomplished, and we earnestly ask Congress to pass such a measure without delay, said division to be on the boundary line of counties nearest the 46th parallel of north latitude.

Resolved, That we heartily believe in the legality of the movement of the people of South Dakota, to organize a state government, and that the defeat of the Harrison Senate Bill in the House of Representatives was a blow at civil liberty.

The forming of the Territorial Republican Central Committee was the concluding work of the convention, and occupied much time. The following were named as members of that important committee for the succeeding two years:

Harrison Allen, Cass County, chairman; R. W. Wheelock, of Davison County, secretary; J. C. McManima, Hughes; J. A. Stearns, Brule; A. W. Lavender, Bon Homme; E. G. Smith, Yankton; D. R. Bailey, Minnehaha; J. C. Adams, Day; D. C. Nash, Beadle; F. G. Lahnstock, Codington; George Rice, Moody; John A. Owens, Kingsbury; E. J. Washabaugh, Lawrence; Sol Star, Lawrence; A. J. Simmons, Pennington; A. I. Stewart, Fall River; A. D. Clark, Custer; H. J. Grant, Butte; C. T. Clement, Cass; R. E. Noyes, Grand Forks; D. W. Yorkey, Walsh; Herbert Root, Barnes; W. F. Steele, Kohler; W. C. Plummer, Emill; Johnson Nickels, Stutsman; Robert Wallace, Stutsman; M. H. Jewell, Burleigh; G. W. Harmon, Morton; Harry Oliver, Ransom; J. O'B. Scooby, Brookings; L. H. Bowman, Brown; C. T. Howard, Spink; James Bryson, Potter; A. L. Boyay, Morton; Mr. Dunn, Eddy.

The convention finally adjourned about 7 o'clock in the evening of the 22d.



## DEMOCRATIC TERRITORIAL CONVENTION

In obedience to the call the Territorial Democratic Convention assembled at Aberdeen at 11 A. M., Wednesday, September 29, 1866, and organized by electing Hon. John R. Wilson, of Lawrence County, president temporarily, and Robert McBride, of Davison County, temporary secretary.

Mr. Wilson, on taking the chair, expressed his appreciation of the partiality of the convention in selecting him for the honorable station of presiding officer, and trusted that the convention would be able to justify the expectation of the thousands of democrats in Dakota and elsewhere who would be greatly interested in their proceedings and the outcome of the convention. He said:

Questions of the utmost importance are engaging the attention of the people of the territory and the democratic party is looked to to maintain the time-honored traditions of the historical party of our country, whose proudest boast has ever been that its principles are the bulwark of the people's liberties. Let the convention speak with no uncertain voice in behalf of the welfare and best interests of the half million people residing within our ample borders, north as well as south, east as well as west, and we shall have done our duty, and shall in all our future lives be able to recall our participation in this honorable assemblage as among the most gratifying experiences of our lives. Gentlemen, the convention is ready for the business for which it has been convened.

The temporary president then, on motion, appointed the following committees:

On credentials—M. H. Marrima, of Walsh County; P. F. McClure, of Hughes County; F. H. Crowin, of Kidder County; J. L. Gantz, of Pennington County; Charles Keith, of Brookings County; H. A. Reeves, of Bon Homme County, and C. Bellows, of Morton County.

On resolutions—W. R. Brierly, of Grand Forks; C. J. B. Harris, of Yankton; S. A. Ramsey, of Sanborn; L. O. Jeffries, of Hyde.

On permanent organization—J. W. Goodrich, of Stutsman; J. B. Money, of Grand Forks; F. F. Randolph, of Beadle; W. H. Adams, of Edmunds; J. E. Jenkins, of Brule; F. E. Strander, of Clark, and Dell Coy, of Hughes.

A recess was then taken until 7 o'clock P. M.

At the time appointed, the convention re-assembled. On recommendation of the committee the temporary organization was made the permanent organization. The report of the credentials committee was presented and adopted, showing that 351 delegates were represented in person or by proxy, and were entitled to seats in the convention.

The committee on resolutions presented their report, which was read, and which gave rise to much discussion. The resolutions favored division, but it became evident that a large proportion of the delegates felt that it was not necessary to make any declaration on that issue. Finally the discussion led to a vote on the adoption of an amendment offered favoring admission of Dakota Territory as one state, and this amendment was defeated by a vote of 205 to 154. The convention then, without agreeing upon a platform, set the subject to one side and proceeded to take a vote on the nomination of a candidate for delegate to Congress, which resulted in 204 votes for M. H. Day, 69 votes for Dan Maratta, 70 votes for L. C. Johnson, and 8 votes for Thomas H. Benton. This was held to be an informal ballot, and a formal ballot was then had, resulting in the nomination of M. H. Day by a vote of 288; Maratta, 76; Johnson, 47.

Mr. Day was then declared the nominee of the democratic party.

The convention selected the following Territorial Central Committee: A. W. Bangs, of Grand Forks, chairman; Oscar P. Kemp, of Codington, secretary; First District, Oscar E. Rea, of Lincoln; Second District, Dr. J. B. VanVelsor, of Yankton; Third District, S. Simpson, Douglas; Fourth, D. D. Glidden, Minnehaha; Fifth, M. H. Pawley, Davison; Sixth, John Brennan, Lake; Seventh, A. M. Kellar, Kingsbury; Eighth, George S. Nave, Sanborn; Ninth, F. E. Strawder, Clark; Tenth, L. F. Arnold, Potter; Eleventh, Charles H. Price, Hyde; Twelfth, Henry J. Glassner, Grant; Thirteenth, L. G. Johnson, Brown; Four-

teenth, W. E. Purcell, Richland; Fifteenth, John H. Hill, Grand Forks; Sixteenth, M. K. Marriman, Walsh; Seventeenth, B. C. B. Vallandigham, Barnes; Eighteenth, E. N. Falk, Traill; Nineteenth, J. D. Cornell, Lawrence; Twentieth, M. Ryan, Cass; Twenty first, James G. Webb, Pembina; Twenty second, James W. Goodrich, Stutsman; Twenty third, Joseph Hare, Burleigh; Twenty fourth, Ira C. Bellows, Morton; James Callister, Stark; Jacob Gantz, Pennington; William G. Thornby, Custer.

#### THE ELECTION ISSUES

The issues most prominent in the election of legislative members as well as delegate to Congress in the campaign of 1886 were the questions of division and admission or statehood for the southern half of the territory. The capital-removal issue had been largely obscured. It had been removed to the Supreme Court of the United States, and the probability at this time favored the opinion that it would not be reached by that body until after the Dakotas had been admitted into the Union, either as one or two states, which was tantamount to anticipating that it would never be heard. It "cut no figure" in the campaign, which was an active one. It was hoped, if not expected, that if the result disclosed a strong preponderance for division, Congress would be influenced to prompt action in that direction, for it had been recognized from Pettigrew's term, and his plan to secure division first, that there was a democratic element of considerable numbers in the House who would favor division if the effort for statehood was dropped entirely for the time being. There was little said about setting up a state government to conflict with the territorial government. The majority seemed rather "inclined to bear the ills they had, rather than fly to others they knew not of;" still, the state constitution of 1885 and the state government, already formed and in waiting, were to be kept intact and ready for use whenever called for.

The election occurred Tuesday, November 2d, and the election for members of the House of Representatives throughout the United States occurred the same day. The democrats lost a number of northern districts, but not quite enough to erase their majority in Congress. They retained a lead of two or three only, and this encouraged Dakotans to believe that there would be found a number of these favorable to passing the Dakota bills; those who had already expressed themselves as opposed to making the Dakota question a party issue.

#### THE OFFICIAL VOTE

The appended table shows the vote of the two divisions of the territory, as canvassed by the territorial board of canvassers. The democratic candidate received a much larger vote than was expected. He was a strong divisionist, and subsequently headed a powerful wing of his party in antagonizing the democratic governor, Louis K. Church. Gifford's majority, about thirty thousand, was about the average republican majority, and there was some hope expressed that it would be cut down to much smaller figures for the effect it might have in inducing the Springer democrats of Congress to favor Dakota's division and admission:

#### SOUTH DAKOTA

County	For Gifford	For Dun	County	For Gifford	For Dun
Aurora	77	907	Butte	188	74
Beadle	1,638	83	Campbell	399	300
Ben Hur	755	83	Charles Mix	281	64
Brookings	1,097	50	Clerk	95	399
Brown	1,812	1,211	Crow	5,113	259
Brule	502	748			
Valley					

County	For Gifford	For Day	County	For Gifford	For Day
Codington .....	798	587	Lincoln .....	1,201	225
Custer .....	448	334	McCook .....	614	622
Davison .....	1,015	437	McPherson .....	408	99
Day .....	740	584	Marshall .....	572	402
Deuel .....	667	240	Miner .....	901	451
Douglas .....	728	327	Minnehaha .....	2,490	1,001
Edmunds .....	781	454	Moody .....	1,086	213
Fall River .....	154	131	Pennington .....	900	662
Faulk .....	708	253	Potter .....	542	214
Grant .....	691	665	Roberts .....	340	180
Hamlin .....	541	287	Sanborn .....	857	297
Hand .....	1,142	641	Spink .....	2,843	833
Hanson .....	589	403	Sully .....	535	185
Hughes .....	618	379	Turner .....	1,103	210
Hutchinson .....	1,140	267	Union .....	904	627
Hyde .....	417	209	Walworth .....	209	149
Jerauld .....	629	249	Yankton .....	1,251	672
Kingsbury .....	986	448			
Lake .....	836	358			
Lawrence .....	2,513	1,614	Totals .....	43,394	22,371

## NORTH DAKOTA

County	For Gifford	For Day	County	For Gifford	For Day
Barnes .....	1,106	773	Morton .....	749	419
Benson .....	244	190	Nelson .....	828	227
Billings .....	22	73	Oliver .....	65	52
Bottineau .....	245	194	Pembina .....	990	2,013
Burleigh .....	498	630	Ramsey .....	841	531
Cass .....	3,128	899	Richland .....	1,277	748
Cavalier .....	491	697	Rolette .....	253	220
Dickey .....	667	600	Ransom .....	1,058	204
Eddy .....	315	59	Sargent .....	808	311
Emmons .....	227	153	Stark .....	287	255
Foster .....	265	124	Steele .....	667	139
Grand Forks .....	2,053	1,380	Stutsman .....	869	667
Griggs .....	702	104	Towner .....	52	159
Kidder .....	160	150	Trail .....	1,854	798
LaMoure .....	751	239	Walsh .....	1,758	1,801
Logan .....	21	5	Ward .....	34	170
McHenry .....	125	101	Wells .....	138	44
McIntosh .....	237	35			
McLean .....	198	138	Totals .....	23,528	15,508
Mercer .....	76	39			

Grand total vote, 104,798. Gifford, 66,919; Day, 37,879. Gifford's majority, 29,040.

## THE ELECTION FAVORED DIVISION

The result of this delegate election, the large vote polled, and the fact that both candidates stood for division and admission, was accepted throughout the country as the best evidence of the almost unanimous choice of Dakotans for a division of the territory; and a majority of congressmen, including quite a number of democrats, were disposed to assert that it would be only a needless waste of time and money to demand another popular election for the purpose of ascertaining the wishes of the people. It had been asserted by the opponents of division that it was not an issue in the election, and that it had never been squarely tested by giving the people an opportunity to vote directly upon the question. This the Hill bill provided for, but it was defeated by the Springer opposition, which was openly committed to the one state for the entire territory plan. The fact that both the democratic and republican candidates favored, and the platforms of each territorial convention demanded it, would seem to fully justify the claim made that the voice of the people had been given affirmatively upon the question, as plainly and unequivocally as it would be given were an election held specially to test the sentiment of voters. There was no opposition.



however, within the territory, among divisionists, to such an election, and the only reason why one had not been held was owing to the unwillingness of Mr. Springer and his faction to order it.

Mr. Springer probably realized, and he could hardly have failed to do so, that the people of Dakota wanted the territory divided, but he expected the sentiment would be largely modified by the new order of democratic control in the territory, and by the offer of statehood tendered by his omnibus bill, which would, even if defeated in Dakota, admit New Mexico, Montana and Washington, two democratic and one republican state. Mr. Springer undoubtedly saw that the democrats had much to gain in a partisan way, should the omnibus bill, providing one state for all Dakota, become a law, and contended for it persistently and until Congress defeated all by adjournment.

The Territorial Legislature, which succeeded, of 1887, took official notice of the claim that Dakota's sentiment on the division question had never been authoritatively tested, and authorized a vote to be taken at the next general election, upon the question. This could not be had at a general election, however, before November, 1888.

The democratic vote in the counties north of the forty-sixth parallel, in the delegate contest of 1866, was encouraging for the democrats. Out of the 39,000 votes cast in that half of Dakota, the republicans received 23,525 and the democrats 15,508.

It had now come to be conceded in many quarters that in case a division of the territory was decided upon at Washington there would be no territorial organization for the northern half, but both sections would be admitted to the Union as two states, with the titles of "South Dakota" and "North Dakota," the southern section having formally consented at an adjourned meeting of the constitutional convention to withdraw its name "Dakota," and enter the Union as "South Dakota," giving to the northern half the Dakota name as "North Dakota," which it so highly prized.

#### DAKOTA'S PROGRESS

The increase of population in Dakota during the year ending June 30, 1886, as given by the report of Immigration Commissioner Dunlap, was 65,000, exclusive of births, which gave to the territory a population of 480,640 on that date. The total area of land filed upon during the same time was 3,565,306 acres. There were 22,420 filings at the various United States land offices, and 9,662 final proofs, covering an area of 1,404,630 acres.

The staple crops produced in Dakota Territory, as given by the United States Agricultural Department and the commissioner of immigration for Dakota, Mr. Dunlap, for the year 1885, were equal to the average year, and in corn considerably better. The yield of wheat was given at 27,013,000 bushels, which was a little more than California was credited with, and less by five million than Minnesota. The corn crop was given at 15,345,000 bushels. The corn acreage was set down at 530,000 acres.

The Dakota oat crop was given at 13,220,000 bushels, a large falling off from 1884, due principally to the loss of acreage sown to this grain, which amounted to over three hundred thousand acres. The flax crop showed an increase over the previous year, being 2,232,788 bushels. The total flax crop of the western states amounted to 11,000,000 bushels. Rye, barley, potatoes and hay yielded an average crop, perhaps a slight increase over the average.

Late in July, 1886, at a meeting of the Farmers' Alliance at Aberdeen, small grain crop reports were obtained from individual farmers from a number of representative counties. The weather had been unfavorable and there was apprehension of a serious failure throughout the Northwest. From these reports it was gleaned, concerning the wheat crop which was then made, that:

Brown County's yield ran all the way from one-half a crop to one-eighth. Grand Forks County, short 20 to 25 per cent. (The Red River Valley and the



southeastern section bordering the Missouri and Big Sioux rivers had been favored with more moisture than the other sections of the territory.) Brookings County, wheat, half crop. Oats, total failure. Cass County, appearances promising. Kingsbury County, two-thirds crop. Day County, serious in western half. There would be two-thirds wheat crop in the eastern half. Sanborn County, two-thirds; flax poor. Faulk County, one-half crop. Marshall County, nearly a full crop. Aurora County, two-thirds crop. Beadle County, half crop a liberal estimate; much grain not worth cutting. Stutsman, LaMoure and Dickey counties, not above one-half.

The substance of the report of the alliance was that outside of the Red River Valley, wheat would yield not more than half a crop, and like conditions applied to adjoining states.

The grand total of land newly filed on and purchased by immigrants for settlement during the year 1886 was estimated at over four million acres, taken from the records of the various United States land offices in the territory, or 6,250 square miles, an area, considered in a solid body, larger by 320 square miles than the combined area of Connecticut and Rhode Island. The total increase of population for the fiscal year ending June 30, 1886, was estimated by the territorial immigration commissioner, Mr. Dunlap, an efficient and conscientious officer and citizen, at eighty-five thousand, said to have been the largest population increase of any consecutive twelve months in the career of the territory, giving to the territory on that date a population of one-half million. At the close of the year, adding the immigration of the months of July, August, September, October and November, estimated at twenty-five thousand, the same authority gave the population of the territory at 525,000.

Railway construction was quite active during the year. There were 679 miles of railroad completed and opened to traffic, and about three hundred and forty miles additional graded. The railroad centers of the territory were placed in groups by the immigration office, giving Aberdeen and Fargo each five lines, Sioux Falls and Watertown each four lines, Grand Forks, Huron, Jamestown, Mitchell, Redfield and Yankton each three lines. Of these cities, Fargo, Sioux Falls, Watertown and Aberdeen had distinct lines of three railway companies, while Aberdeen and Watertown had a fourth line under way. The Northwestern was also extending its Rapid City line to Fort Meade and Sturgis, and had projected a line through the mountains to Deadwood.

#### THE TREATY BILL

A census of the Dakota or Sioux Indian Nation of Dakota was taken and completed by the Government in the year 1866, presumably to promote a just and equitable distribution of the moneys and goods and the land allotments provided for under the Dawes bill, then pending for the opening of a large tract of the reservation. The count was made by the agents at the several agencies by direction of the commissioner of Indian affairs, Edward Atkins, and the returns gave a description of each Indian, his parentage and the band to which he belonged. The total number of Sioux Indians on the reservation entitled to rations was found to be 23,831, of whom 5,723 were male adults, 7,455 female adults, 5,320 males under eighteen years of age, and 5,333 females under sixteen years of age. The number of Indians at the different agencies at that time were given as follows: Standing Rock, 4,600; Crow Creek, 1,023; Lower Brule, 1,220; Cheyenne River, 2,037; Pine Ridge, 4,883; Santee, 1,122; Rosebud, 8,036. (The Yanktons and Sissetons were not included, they having no interest in the great reservation.)

Col. Hughes East, register of the Yankton land office and indirectly and officially interested in the passage of the Dawes bill, stated that while the bill had already been passed by the Senate, the House was unwilling to concur until certain provisions giving certain railroad corporations privileges, to the exclusion

of others, be eliminated. John D. Lawler, of the Milwaukee, was at Washington in the interest of the bill, and was opposing any change in the Senate measure. The success of the bill was shadowed with doubt. It finally failed.

Hon. P. F. McClure, mayor of Pierre, spent several months in Washington during 1886, while Congress was in session, and was there also during the short session of 1886-87, promoting the passage of the Dawes bill for opening the reservation. He was assisted by Mr. MacManima, Delegate Clifford, Senator Voorhees, of Indiana, who manifested sincere friendliness in all Dakota matters, and a number of congressmen, and solidly supported by the people of the territory of all sections, but their combined efforts were not sufficient to induce the Committee on Indian Affairs of the House to report the bill. McClure's efforts were highly praised by those who were familiar with his work. Had the bill been reported, it would have passed. The majority of Congress had little sympathy with any sentiment that would keep so large a body of land in a situation where it could be of no benefit to either Indians or whites, and great detriment to the further development of the territory, particularly the Black Hills, now regarded as the most important mineral section of the United States. There was a growing sentiment that Congress should enact a law declaring the portion of the reservation, which had been partially treated for, open, and authorizing the Government to settle with the Indians on an equitable basis, afterwards.

From the best information that could be obtained at the time, there were two or three thousand immigrants then encamped along the Missouri River, from Chamberlain to Pierre, waiting for the opening of the reserve, and it was apprehended that it would be necessary to employ a military force to prevent these whites from invading the Indian country.

#### FIRST RAILROAD TO THE BLACK HILLS

Railway building was a dormant industry throughout the United States during the year 1885, according to the year's summary given out by the Railway Age, an acknowledged authority, which said that the principal activity had been in the southern states and in the country between the Missouri River and the Pacific states and territories. The leading extension of the year was that of the Fremont, Elkhorn & Missouri Valley line of the Chicago & Northwestern System, from Valentine, Neb., west and north 101 miles, to Buffalo Gap, Dak., from which point it was to be pushed in the spring of 1886 to Rapid City. Other lines in Dakota were the Northwestern from Centreville to Yankton and the James River Valley from Jamestown to LaMoure.

Buffalo Gap, in the Black Hills, was a railroad town and townsite, and was inaugurated as a business center and railway point by the railroad company about the first of December, 1885, by an auction sale of city lots that eclipsed, in the amount of cash sales, any similar incident during the construction of the line, amounting in the aggregate to over fifty thousand dollars. The production of tin was a growing and promising industry in the Black Hills, and the completion of the road to Buffalo Gap was celebrated by appropriate ceremonies, in which about one thousand people participated, and the driving of a tin spike. Judge Reno was president of the day. Addresses were made by Judge Sprague and John H. King, and the tin spike was driven by Hon. George Boland, with a mica mallet, amid the shrill whistles of three locomotives, whose echo was heard far up in the Hills. Buffalo Gap was the station for the famous Hot Springs.

#### RAILROAD TO RAPID CITY

The Fremont, Elkhorn and Missouri Valley Railway was extended from Buffalo Gap to Rapid City during the spring and early summer of 1886, and a formal celebration of the completion of the road and its opening for traffic was held at Rapid City on the 4th of July, on which occasion Independence Day was

appropriately observed, and lent its patriotic fervor to the proceedings. The first locomotive arrived on the same occasion. The city was thronged by two thousand people, at least, representing every mining camp and live-stock ranch and lumber camp, with scores of tourists of the adventurous sort who were spending the heated term at some of the natural beauty spots with which the Hills abounded. It was claimed there was never such another assemblage, anywhere, where the variety of garb was so striking and so extensive. The war whoop of the wild savage was also present, but from motives of prudence was not exhibited. As a rule the ladies of the city and the Hills were becomingly attired and formed a charming feature of the grand occasion, and gave to the motley assemblage its most civilized aspect, but the masculine element would have furnished a dozen complete equipments for a wild-west show, and would have eclipsed them in variety and originality of their costumes, and in their daring feats of broncho riding and their expert horsemanship generally. There were hundreds of youngsters who had never seen a railroad car, and some grown ones that could recall the only one they had rode in. The Indians were amazed—they recognized the locomotive as a monster of tremendous strength and speed, but so much of the products of civilization coming so abruptly and with such shrieks and clanging of bells bewildered them. They realized that they were vanquished as far as their nomadic life was concerned, and doubtless counseled together where their future place in the country would be.

There were seven sleeping-cars in the train that brought the officers of the road and hundreds of visitors to the celebration. There was a brass band and a street parade that would have been envied by eastern cities of a hundred thousand population. The addresses were appropriate, well timed and characteristic. Hon. John Brennan spoke for the municipality, and General Manager Fitch for the railway. Judge Levi Magee made an excellent address for the Black Hills generally, and Lawyer Wood and P. B. McCarthy contributed to the intellectual feast. The citizens generally acted as a reception committee and diligently looked after the comfort of their guests, for the day was as fervid with warmth as the people were with enthusiasm.

The opening of the gateway to the Eldorado of Western Dakota, with its gold-seamed mountains and fruitful lands, had been observed appropriately and decorously, and with the dignified ceremonies that distinguish the formal public recognition of a great and lasting and valuable achievement. And more than this, the development of the Black Hills railway system was now inaugurated.

February 5th the Fremont, Elkhorn & Missouri Valley Railway Company filed its plat at the Deadwood Land Office for its extension from Rapid City, about February 1, 1886. The line terminated at a point one and a half miles east of Fort Meade and eighteen miles from Deadwood. The intention of the company was to build to Deadwood during the year, but its main line was projected west up the Belle Fourche Valley. The survey for the road was made the same month of the Black Hills winter season.

In 1886 the Chicago & Northwestern Railway Company extended its James River line from Columbia, Brown County, to beyond the forty-sixth parallel, in township 120, range 59, Dickey County. Distance, forty miles. It also built its extension from Salem, McCook County, to Mitchell in 1886, founding the towns of Fulton and Spencer and was at work grading its extension to Forest City, Potter County, from Redfield. It built its line, however, to Gettysburg, and did not go through to the Missouri.

The immigration commissioner, Lauren Dunlap, claimed that railroad building in July was moderately active and in keeping with the growth and activity that was manifested throughout the territory. He claimed that the railroads had made Dakota what it was, which was serious error of judgment, for it would have been better and nearer the mark to have said that the territory had made the railroads. The incoming thousands, estimated at 50,000 for the past year, were not attracted hither by railroads, but by the then well known and



admitted natural advantages and valuable resources of the territory, and the railroads were impelled and attracted by the like influences, and by the guarantee of abundant business which the increasing population would develop.

The Chicago, Milwaukee & St. Paul Railway was building from Ipswich west through Edmunds County, and also from Andover north through Day and Marshall counties into Sargent County in the central portion of Dakota. In the extreme south the same company was building from Scotland to Mitchell, crossing the southwestern part of Hutchinson County and continuing north along its western boundary. It also sent a branch line west into Douglas County from the station at Tripp, grading to Armour. The new map of the Milwaukee system, issued that year, showed an extension from Flandreau to Ortonville, Minn., also a spur from Ellendale in a northeasterly direction.

The Chicago and Northwestern company was engaged in building from Columbia, Brown County, through Dickey and LaMoore counties to LaMoore. The completion of this line as indicated would furnish an additional railroad bond between South and North Dakota, and would strengthen the claim of the one state element that the two sections were rapidly forming close and lasting commercial connections. The extension of the Northwestern west from Redfield through Faulk County had been determined upon.

The St. Paul, Minneapolis and Manitoba was building from Devil's Lake west by north across the Big Coulee country. It was claimed to be the intention of this corporation to build a line through to Mouse River, and across North Dakota into Montana, and another line into the Turtle Mountains.

The Manitoba Company made preparations during the winter of 1886-7 for building several hundreds of miles of new road during the coming year. The company was in a position financially to make the most extensive and important forward move yet undertaken by any distinctly private railway corporation in the northwestern country. It was quite generally believed that all the most desirable lands in the territory would be covered by railways during the ensuing twelve months, as both the Milwaukee and Northwestern systems were also preparing for notable extensions.

The amount of vacant government land, not including the reservations set apart and occupied as Indian reservations, amounted to 18,500,000 acres, nearly all of it in the northern half of the territory. In the Bismarck Land District alone there was over twelve million five hundred thousand acres, two thirds of the whole. In the Devil's Lake Land District there were nearly four million acres. In the Deadwood (Black Hills) District about seven hundred thousand acres. In the Aberdeen District about six hundred thousand acres. The Huron Land District had about fifty thousand acres of untaken land, and was to be classed in 1887 with the relinquishment districts, which would embrace the Yankton, Mitchell, Watertown, Fargo and Grand Forks districts, where the new filings would be made in practically all cases on lands previously taken up and relinquished by the original claimant or contested for various causes.

Among the new railway lines projected in 1886 by the Manitoba was the Willmar and Sioux Falls, which was also projected to continue on to the Missouri River at Yankton. Graders were already at work on the Sioux Falls extension. The Manitoba company would also build from Watertown to Huron and it was expected would extend that line from Huron to the Missouri River at a point near Fort Thompson, on the Crow Creek Reservation, and from thence to the Black Hills when the Indian reservation barrier should be removed. The longest and most important stretch of railway to be constructed by this corporation would be what is termed its Fort Buford Extension. This line was projected to run from Devil's Lake straight across the territory to near the mouth of the Yellowstone at Fort Buford, passing through Benson, DeSmet, McHenry, Stevens, Montraille, Flannery and Buford counties as at that time defined. The total length would be not far from 250 miles, and it would pass through a sec-



tion of the territory where at that time there was no railroad within a hundred miles.

It was given out in December, 1866, that President J. J. Hill of the Manitoba Railroad (now the Great Northern), was in Washington promoting the passage of a bill through Congress to permit his line to pass over the Mandan Indian Reservation at Fort Berthold, Dakota. It is learned from this movement of the daring designs of the Northwestern railroad king to span the western portion of the United States, in the extreme north, with a railway to the Pacific. Mr. Hill avowed his purpose to build westward from Devil's Lake and cross the reservation on the line between townships 153 and 154, to follow the Missouri River Valley by the most convenient route to the valley of Milk River, through that valley to Fort Assinaboine, and thence southwesterly to the Great Falls of the Missouri above Fort Benton. He was able to secure the consent of Congress to his enterprise.

The Milwaukee company announced its purpose to build from Madison, Lake County, north through the counties of Kingsbury, Hamlin and Clark, to Bristol, Day County, there to connect with its Ortonville and Aberdeen line, crossing the Northwestern at Lake Preston, in 1886. Also designed to complete its line between Madison and Bristol, over half of which had already been built. The line was to form a part of the second principal iron highway between North and South Dakota and would unite with the Northern Pacific at Dawson in Kidder County. A third line was contemplated running just east of the Missouri River to Bismarck.

The occupation of the public lands and the opening of farms and building of farm houses, and other rural improvements used during the year, had kept pace with the average of former years since the beginning of this remarkable and unprecedented decade.

Among the railway extensions inaugurated in 1886 was one of the Chicago, Milwaukee & St. Paul Company, southward from Roscoe in Edmunds County, to Orient, on the boundary line between Faulk and Hand counties. This line was projected to meet the northwestward extension of the same company from Scotland or Tripp into Douglas County, which was extended to Armour and thence to Corsica in northern Douglas County.

The Milwaukee & St. Paul surveyors ran a line from Roscoe, Edmunds County, to Bismarck. There was also a company of surveyors at work on the Ordway, Bismarck and Northwestern in McIntosh County, which line was said to be a continuation of the Minneapolis and Pacific. The surveyors were also at work on the Bismarck & Aberdeen, and had progressed as far as Coal Larson. Right-of-way had been secured to the latter point.

Sioux Falls had secured an agreement with the Burlington, Cedar Rapids & Northern, which would probably be completed during the year, and would give to the granite city an enviable prominence as a railroad center and strengthen its claims as a manufacturing and commercial center. It had become apparent that the enterprising railway companies looked upon Sioux Falls as a desirable point for future business. At a special election held about the middle of February, 1886, the Sioux Falls people voted to donate \$60,000 of city bonds to the Burlington company, which was to be completed to that city by the following August. The vote was nearly unanimous in favor of the donation, being 679 in favor of the donation to 38 against. Ex-Delegate Pettigrew is not found at Washington this winter, being detained at home where he is engaged in securing the extension of the Burlington from Rock Rapids, Iowa, to Sioux Falls. Mr. Pettigrew's motto was "Business before pleasure," and he knew that Dakota's interests were being attended to by a number of qualified citizens. Speaking of the new road, Mr. Pettigrew said:

The engineers had been busily at work all along the line until our last heavy snow (late in March) forced them to suspend. I saw the president of the road in Chicago recently, and he gives us hope of the speedy completion of the line.

In May, 1887, the Rapid City board of trade made a compact with Mr. T. B. Chapman to build a narrow gauge railroad west from that point. Mr. Chapman's proposition was "to build and equip a narrow gauge railroad to such point west of Rapid City as may be settled by a survey, the corporation of Rapid City to pay him \$500 per mile for thirty miles, the road to be in operation eighteen months from date, or in November, 1889." An agreement was made on this basis, the contract signed and sealed at a public meeting where over ten thousand dollars was subscribed. It was expected at this time that the road would extend ultimately to the Wyoming oil fields.

The Northwestern Railroad from Salem to Mitchell was completed to the latter point May 24, 1887, giving Sioux Falls direct connection with Mitchell, the principal center of the Milwaukee system. The line was known as the "Omaha," and was a subdivision of the Northwestern system. Two new towns, Fulton and Spencer, were located on the new line.

#### PIERCE TENDERS HIS RESIGNATION

Gilbert A. Pierce had been governor of Dakota for about two and a half years, the larger portion of the time under a democratic administration, when, in November, 1886, he tendered his resignation of the office while on a visit to Washington. His letter of resignation, explaining why he resigned, is given herewith:

Willard Hotel, Washington, D. C., November 15, 1886.

Mr. President: I hereby tender my resignation as governor of the Territory of Dakota. Offices of this character were made an exception to the rules governing removals from office, laid down by you at the opening of your administration, but you have kindly abstained from interference with me, and have never by act or word indicated that my continuance in office was not entirely acceptable. I tender my resignation now because the pressure for the place subjects you to constant annoyance, and because I fear that my own usefulness is impaired by the constant agitation of the question of change. Through my incumbency of the office I have met nothing but personal kindness and official courtesy at your hands and those of your advisors. The most cordial support has been afforded me, and my relations in this respect have been most pleasant and agreeable. This treatment of one whose political affiliations are not those of the dominant party shows a spirit of tolerance which lends dignity to your high office and demands this frank acknowledgment from me. With the assurance, Mr. President, of my deep obligations for your courtesy, and with a sincere wish for your personal welfare, I remain,

With great respect, your obedient servant,

GILBERT A. PIERCE.

There were no public manifestations of regret at the resignation of Mr. Pierce. His administration, however, had not been discreditable, nor was it marked by any policy that left an impression on the progress of Dakota. He lived at the capital, and made an occasional trip to some neighboring city. He attended promptly to the cry for relief when Spink County called upon him to protect her from her county seat brigands. He deserved credit for his efforts, though unavailable, to prevent the legislative extravagance of the session of 1885.

Accompanied by Mrs. Pierce and their daughter, also by Secretary and Mrs. McCormack, State Treasurer Raymond and Mrs. Raymond, State Auditor F. C. Caldwell and Mrs. Caldwell, Immigration Commissioner Lauren Dunlap, Mrs. Dunlap and Miss Jeannie Dunlap, he made an official trip of observation and brief inspection of the various territorial, educational and penal and charitable institutions during the month of May, 1886. The party was provided with a special car contributed for the occasion by the Northern Pacific Railroad Company. The journey was made the occasion of formal social entertainments at the various places where public institutions were located. The governor was thoroughly at home in the northern portion of the territory, and evidently found its communities more congenial than those of some of the other sections, and possibly he was even then enjoying a reflection that he would be in a position

to speak for the north in the halls of Congress, if there should be no change in the program.

The resignation of Mr. Pierce found the President unprepared to appoint the man he had selected for the place some months previous, and he therefore took no action upon the resignation for some weeks, claiming that he disliked to ignore the splendid endorsements Ziebach had received, and owing to the irreconcilable differences among the democrats of the territory, he did not feel justified in appointing him.

About the last of October the President disposed of Captain Ziebach's campaign for the governorship by appointing him receiver of the Yankton Land Office, to succeed Joseph Chandler, resigned. The President's selection for the position of governor had probably been decided upon, but the time was not ripe for the appointment, which would go to the newly appointed judge of the Fifth District when he had become better acquainted with territorial conditions. There may have been a partiality in the mind of the President for but one State of Dakota. He knew of the strong prevailing sentiment in Dakota in favor of division, but this sentiment had diminished already under the strenuous opposition of the Ordway-Johnson faction of the democracy of the territory, whose change of front, as manifested by their official action in their committee meetings and in their refraining to participate in the statehood movement, may have led the President to expect that he would be able through a judicious territorial executive, to build up the one-state plan. Ziebach had been conspicuous as a supporter of division, and it was stated that the President explained as his reason for not appointing Ziebach that the democrats of the territory were not united, that the question of division was playing havoc with them, hence he thought it best to select a new man who had not identified himself with any faction or any section.

Pierce was permitted to remain as governor for a number of weeks after his resignation was tendered, and until after the convening of the Legislature of 1887. In the meantime, about the middle of December, 1886, the President had concluded that his favorite candidate had been in Dakota long enough to be considered a Dakotan under the ironclad rule of the administration that none but Dakotans should be appointed, and Louis Kossuth Church, judge of the Huron District, was appointed. Mr. Day, the national committeeman, gave out the following regarding the appointment:

I really never made any application for the governorship. Ziebach was my man all the time, and he ought to have had the appointment, considering what he had done for the party in the territory. The President was in favor of Church, having been favorably impressed with the work he did towards reform while in the New York State Assembly, but the strong endorsements Ziebach and myself received made him hesitate. Fearing that were we to continue the fight for the place, the President would delay making the appointment until after the Legislature convened, I went to him and inquired if the appointment would be made at once if we agreed upon one man. He said it would. I then withdrew all the papers that Ziebach and I had filed, and gave Church an endorsement, by filing a letter similar to the following:

Washington, December 16, 1886.

His Excellency, President Cleveland.

Sir: I desire to withdraw all papers now on file endorsing me for governor of Dakota, and most respectfully ask for the appointment of Judge L. K. Church to that position at the very earliest practicable moment. Have telegraphed to that effect.

Very respectfully, your obedient servant,

M. H. DAY.

Within a half hour the appointment was made.

It was presumed at the time that Church would be promptly confirmed, his predecessor having resigned voluntarily, and would be able to enter upon his gubernatorial duties before the Legislature met the following January, but the appointment was held up in the Senate for several weeks, due to the opposition of his predecessor, Judge Church afterwards alleged, who desired a pledge regarding some of the territorial appointments to be made during the session, which Governor Church was loath to give.



## CHAPTER XXVIII

### LOUIS K. CHURCH, GOVERNOR—INSANE HOSPITAL—DISASTER

1887

SEVENTEENTH SESSION OF THE DAKOTA LEGISLATURE—THE SECOND MEETING OF GOVERNOR PERCE—LOUIS KOSSETT CHURCH BECOMES GOVERNOR DURING THE SESSION, PRECEDED FOR A BRIEF TIME BY ACTING GOVERNOR MCCORMICK—THE SIOUX FALLS CONSTITUTION OF 1885 COMMENDED—SOLDIER'S HOME LAW ENACTED—A COMPILATION OF THE LAWS OF THE TERRITORY AUTHORIZED—THE LAW OF 1883 AUTHORIZING THE CAPITAL COMMISSION LEGALIZED—SALE OF TERRITORIAL BONDS—GOVERNOR APPOINTS TERRITORIAL OFFICERS—SPRING BREAK-UP OF THE MISSOURI INUNDATES THE BOTTOM LANDS—DAKOTA IN CONGRESS—CERTAIN LEGISLATION FORBIDDEN—GOVERNOR CHURCH OPPOSES A DIVISION OF THE TERRITORY—ENGLISH LANGUAGE IN INDIAN SCHOOLS—PARTISAN CONTEST TO OBTAIN CONTROL OF DAKOTA INSANE HOSPITAL—GOVERNOR CHURCH REFUSES TO APPROVE PLANS FOR NEW BUILDINGS—DEMANDS RESIGNATION OF MEMBERS OF THE BOARD AS A CONDITION OF APPROVAL—BOARD REFUSES TO VACATE—GOVERNOR APPOINTS NEW MEMBERS—CONTEST TAKEN INTO COURT AND GOVERNOR SUSTAINED—ENTIRE NEW BOARD APPOINTED—CONTRACTS FOR BUILDINGS LET AFTER A YEAR'S DELAY—WORK PROGRESSES UNDER INCOMPETENT MANAGEMENT—FAULTY CONSTRUCTION AND POOR MATERIAL, FOLLOWED BY FALLING WALLS—PROVES FATAL TO TWO WORKMEN—GRAND JURY INDICTS BUILDING OVERSEER AND CONTRACTOR—TRIBUTE TO JOHN R. GAMBLE.

The seventeenth session of the Legislative Assembly of the Territory of Dakota convened at Bismarck on Tuesday, January 11, 1887, at 12 o'clock M. The territory had been divided into twenty-three legislative districts by the apportionment made by the preceding Legislature, which consisted of forty-eight members of the House of Representatives and twenty-four members of the Council, and the present legislative body was composed of an equal number apportioned among twenty-three legislative districts. The counties composing the several districts and the names of the councilmen and members of the House from each district composing the present Legislative Assembly were as given in the subjoined list: **First District**—Union, Clay and Lincoln counties. **Councilman**, E. V. Erickson, Union. **Representatives**, J. V. White, Clay, and F. R. Aikens, Lincoln. **Second District**—Yankton, Hutchinson and Turner counties. **Councilman**, E. G. Smith, Yankton. **Representatives**, F. A. Morris and Jacob Schnaible, of Hutchinson, and J. P. Ward, of Turner. **Third District**—Bon Homme, Douglas and Charles Mix counties. **Councilman**, T. O. Bogert, of Bon Homme. **Representative**, J. G. Jones, of Charles Mix. **Fourth District**—Minnehaha, McCook and Hanson counties. **Councilman**, Melvin Griesley, of Minnehaha. **Representatives**, W. R. Burkholder, of Minnehaha, E. W. Terrill, of McCook, and C. I. Millimore, of Hanson. **Fifth District**—Davison, Aurora and Brule counties. **Councilman**, J. D. Lawler, of Davison. **Representatives**, T. F. Mentzer, of Davison, and Boetius Sullivan, of Aurora. **Sixth District**—Moody Lake and Miner counties. **Councilman**, T. S. Martin, of Lake. **Representatives**, J. H. Patten, of Miner, and John Hobart, of Moody. **Seventh District**—Brookings, Kingsbury, Hamlin and Deuel counties. **Councilman**, G. A. Mathews, of Brookings County. **Representatives**, A. Harkins, of Deuel, and William Glen-



denning, of Kingsbury. Eighth District—Beadle, Sanborn and Jerauld counties. Councilman, John Cain, of Beadle. Representatives, Wilson Wise, of Sanborn, and D. F. Royer, of Jerauld. Ninth District—Spink and Clark counties. Councilman, E. W. Foster, of Spink. Representatives, F. C. Mariner, of Spink, and W. N. Berry, of Clark. Tenth District—Hand, Faulk, Potter, Walworth and Campbell counties. Councilmen, E. P. Sheldon, of Hand; A. J. Pruitt, of Potter, and J. R. Dutch, of Faulk. Eleventh District—Hyde, Hughes, Sully and Buffalo counties. Councilman, C. D. Mead, of Hughes. Representatives, G. C. Crose, of Hyde, and J. M. Moore, of Sully. Twelfth District—Codington, Grant, Roberts and Day counties. Councilman, C. H. Sheldon, of Day. Representatives, G. B. Williams, of Grant, and O. Gestley, of Codington. Thirteenth District—Marshall, Brown, Edmunds and McPherson counties. Councilman, A. R. Campbell, of Brown. Representatives, W. R. Ruggles, of Edmunds, and J. H. Fletcher, of Brown. Fourteenth District—Fall River, Custer, Pennington, Lawrence and Butte counties. Councilmen, S. P. Wells, of Pennington, and Frank J. Washabaugh, of Lawrence. Representatives, S. P. Romans and John D. Patton, of Lawrence, and A. S. Stewart, of Fall River. Fifteenth District—Dickey, Sargent, McIntosh and Richland counties. Councilman, P. J. McCumber, of Richland. Representatives, A. M. Cook, of Sargent, and H. J. Mallory, of Dickey. Sixteenth District—Cass County. Councilman, H. Galloway. Representatives, J. W. Burnham and W. J. Hawks, of Cass. Seventeenth District—Ransom, LaMoure, Logan and Barnes counties. Councilman, J. S. Weiser, of Barnes. Representatives, T. M. Elliott, of Ransom, R. McDonald, of Barnes. Eighteenth District—Traill, Steele and Griggs counties. Councilman, J. F. Selby, of Traill. Representatives, D. W. Sprague, of Steele, and E. H. Adams, of Griggs. Nineteenth District—Grand Forks County. Councilman, W. T. Collins, of Grand Forks. Representatives, L. O. Wyman and W. H. Fellows, of Grand Forks. Twentieth District—Walsh, Blaine and Ramsey counties. Councilman, Roger Allen, of Walsh. Representatives, A. Ensign, of Ramsey, and Donald Stewart, of Walsh. Twenty-first District—Pembina, Cavalier, Towner, Rolette and Bottineau counties. Councilman, R. C. Donovan, Pembina. Representatives, John Bidlake, Pembina, and John Ely, of Bottineau. Twenty-second District—Stutsman, Foster, Nelson, Wells, Benson, DeSmet, Stanton, McHenry and Eddy counties. Councilman, W. E. Dodge, of Stutsman. Representatives, T. M. Shook, of Benson, and B. S. Dodds, of Nelson. Twenty-third District—Emmons, Kidder, Burleigh, Sheridan, McLean, Mercer, Norton, Boreman, Hettinger, Bowman, Villard, Billings, Stark, Williams, Dunn, Oliver, McKenzie, Allred, Wallace, Garfield, Ward, Stevens, Wynn, Renville, Mountrail, Flannery and Buford counties. Councilman, Alex Hughes, of Burleigh. Representatives, E. A. Williams, of Burleigh, and F. Greene, of Morton.

In the organization of the two houses the same general issue was encountered as had marked the contest in the election of delegate to Congress at the November election. It was the south versus the north.

On calling the roll of the councilmen-elect, the following members responded to their names:

First District, E. C. Erickson, Union County; Second District, A. L. Van-Osdel, Yankton County; Third District, Robert Dollard, Bon Homme County; Fourth District, C. A. Soderberg, Minnehaha County; Fifth District, J. C. Ryan, Aurora County; Sixth District, J. H. Patton, Miner County; Seventh District, I. Atkinson, Brookings County; Eighth District, Robert Lowery, Beadle County; Ninth District, D. W. Poindexter, Spink County; Tenth District, J. A. Woolhiser, Hand County; Eleventh District, Coe I. Crawford, Hughes County; Twelfth District, M. H. Cooper, Codington County; Thirteenth District, A. W. Campbell, Brown County; Fourteenth District, Frank J. Washabaugh, Lawrence County, James Halley, Pennington County; Fifteenth District, J. H. Miller, Richland County; Sixteenth District, Smith Stimmel, Cass County; Seventeenth District, G. A. Harstad, Traill County; Eighteenth District, Hugh MacDonald,



LOUIS KOSSUTH CHURCH

Ninth governor of Dakota Territory, 1887-89

THE NEW YORK  
PUBLIC LIBRARY  
AST LENOX  
TILDEN FOUNDATIONS

La Moure County; Nineteenth District, George H. Welch, Grand Fork County; Twentieth District, Roger Allen, Traill County; Twenty-first District, P. Cameron, Pembina County; Twenty-second District, S. L. Glaspell, Stutsman County; Twenty-third District, Aleck Hughes, Burleigh County.

By a combination based largely on the removal of the United States Court from Yankton to Mitchell, the Council was organized in the interest of the north, by securing, in addition to its nine members, G. A. Matthews, of Brookings, A. R. Campbell, of Brown, C. H. Sheldon, of Day, and J. D. Lawler, of Yankton.

The Council was organized by the election of G. A. Matthews, of Brookings, president; T. A. Kingsbury, of Codington, secretary; assistant secretary, Robert Wallace, of Stutsman; sergeant at arms, W. B. Troy, of Richland; assistant sergeant at arms, Sidney Huisman, of Barnes; chaplain, C. Benham, of Bismarck.

The southern members, who were in a minority of one, voted for E. W. Foster, of Spink County, for president.

The organization of the House was made by the southern members. The officers chosen were: For speaker, George C. Crose, of Hyde County; for chief clerk, W. G. Lukins, of Deuel County; first assistant clerk, J. G. Hamilton, of Grand Forks; second assistant clerk, J. W. Cone, Brule County; sergeant-at-arms, H. C. Roadpugh, of Lawrence County; assistant sergeant at arms, G. W. Russell, of Brown; enrolling clerk, O. K. Ballard, of Lincoln; assistant enrolling clerk, Clara J. Kelly, of Sanborn; messenger, David Shield, of Moody; watchman, M. Slick, of Emmons; chaplain, A. L. Cook, of Burleigh; postmaster, H. E. Ward, of Stutsman.

Governor Pierce delivered his message on the second day. Although Governor Church had been appointed to succeed Pierce nearly a month prior to the convening of the Legislature, there had been some delay in the Senate over his confirmation, and he was still awaiting his commission. At the conclusion of Governor Pierce's message, Governor Church was formally introduced as the heir expectant, and made a brief address expressing his gratification at confronting such an intelligent appearing body of lawmakers, and promised himself much pleasure from his association with them, both officially and socially. As governor, he expected to be governed entirely and absolutely by what he conceived to be the best interests of the over half a million people within the jurisdiction of Dakota, and the welfare of the entire territory would elicit his best and most conscientious efforts.

On the second day of the session, the two houses having assembled in joint convention in the hall of the House of Representatives, Governor Pierce delivered his second biennial message in person, as follows:

#### Gentlemen of the Council and House of Representatives.

Once more the Legislature of the Territory of Dakota has assembled in obedience to law. With few exceptions the faces of those who compose this General Assembly are new to these halls. In the exercise of their sovereign will and pleasure the people have seen fit to fill the places of their former servants with other men, who have gained in daily intercourse with them, their esteem and confidence. But while the personnel of law-making bodies may change, legislative authority and responsibility remain. Men do much good, but government endures. For the time being this assemblage is empowered to speak and act for the sovereign people who compose the population of this territory. It is a most responsible body. How you shall perform this representative work most faithfully and effectively is a question that may well inspire anxious thought and serious reflection.

In many respects gentlemen, you are living in an unprecedented and under favorable conditions. I do not remember a period when better material feeding has been secured, and in spite of the hard times so generally felt throughout the Union, there has never been an assemblage of the Legislature which found the fiscal concerns of the territory in so prosperous a condition. Taxation for territorial purposes is now so light as to be scarcely felt by the people, and can be reduced still further in the near future. The treasury shows a balance on hand not only sufficient to pay all present expenses of the Territorial Government, and all reasonable appropriations, but to pay out all the liabilities of the territorial treasury, which under the option contained in the law, can be called at this time.

Ninety thousand dollars of lands, which it was provided might be sold by the territory, at its option within five years of their issue, have already been called for by the treasurer, but owing to the neglect of the law to provide exactly how this call might be made, and



under what circumstances interest on such bonds should thereafter cease, holders have refused to present them for redemption. This difficulty should be promptly met by the enactment of a law permitting the treasurer to take advantage of the option reserved, and holders required to either refund the bonds at a lower rate of interest, or present them for redemption. The territory is paying about fourteen dollars per day on these bonds, which can be stopped at once if the Legislature will grant the necessary authority.

The bonds authorized by the last Legislature, amounting to \$176,000, were sold at 103 2-10 and the premium, amounting to \$5,638.40, was credited to the territory on the books of the treasurer.

This is the first instance in the history of the territory where bonds have sold at a premium; indeed, as late as the summer of 1884, a similar class of bonds were sold at 98 and 98½. While the sale, therefore was in some respects gratifying, and the growth of confidence in the financial standing of Dakota very encouraging, there is no question but that the 6 per cent bonds of the territory are worth much more than the amount received. Two or three things have operated to injure, in some degree, our financial standing. One is the fact that Dakota is still in the territorial condition, territorial bonds being unpopular as a rule. And there is the existence of the outstanding territorial warrants, issued under the law providing for the Capital Commission. In some places a non-payment of these warrants by the treasurer, seemed to give the impression that the territory was either unable to pay, or else was endeavoring to repudiate her obligations. With the latter obstacle removed, I believe that 4 per cent bonds can be sold at par, and if long-time bonds should be issued, the interest can be made even less than that named. It will not be a year before our 6 per cent bonds having ten years to run will be worth at least 1.12 or 1.15. I am informed that such bonds cannot be purchased today for less than 1.10.

The total receipts from all sources for the biennial period covered by the treasurer's report, including balance on hand, at the close of 1884, were \$1,395,216.67.

The total amount paid out for same period was \$1,162,234.04, leaving a balance in the treasury, November 30, 1886, of \$232,982.63. Deducting the amount paid to counties as their share of railroad tax, the amount of bonds, etc., for permanent improvements of public institutions, and we have a balance of \$706,278, which represents the amount expended during the biennial period. Take from this the cost of the constitutional convention, the census, the New Orleans exposition, furniture and heating for capitol building, and other extraordinary expenditures not required now, and the total expenditures, less the bond interest, is \$538,279.73, for the ordinary expenses of the Territorial Government, or \$269,139.86 per year. This sum is divided as follows:

Vermillion University, \$30,639.27; Grand Forks University, \$26,867.16; Deaf Mute School, \$13,860.42; School of Mines, \$1,211.41; Madison Normal School, \$13,817.67; Spearfish Normal School, \$5,488.85; Agricultural College, \$21,777.16; total, \$113,001.91. Yankton Hospital for Insane, \$108,085.20; Jamestown Hospital for Insane, \$65,030.80; total, \$173,116.18. Sioux Falls penitentiary, \$70,923.46; Bismarck penitentiary, \$38,885.65; total, \$109,809.11. Railway Commission, \$13,543.08; adjutant general's office, \$2,463.97; militia maintenance, including expense of adjutant general's office, \$35,009.88; returning fugitives from justice, \$9,241.44; legislative expenses, \$21,217.71; board of agriculture, \$7,021.44; commissioner of immigration, \$11,090.43; attorney general's office, \$5,002.90; superintendent and assistant superintendent public instruction, \$10,981.69; auditor and auditor's office, \$4,982.74; treasurer and treasurer's office, \$5,328; board of health, \$2,881.04; teacher's institute, \$630.50; district attorneys (salaries), \$1,500; territorial library, \$666.78; court expenses in unorganized counties, \$5,803.30; blind, \$2,908.46; supervisors of election, \$409.20; transportation of arms, \$409.82; total, \$141,692.50. Grand total, \$538,279.73.

At the last session of the Legislature I recommended the discontinuance of the capitol commission, or at least the passage of an act providing for a reappraisement and sale of the property conveyed to the territory, and the payment of the debts contracted by the commission, these debts amounting at that time to between twenty and thirty thousand dollars. Nothing was done, and the commission, with almost unlimited powers, was continued. Something over twenty thousand dollars has been added to the amount outstanding, until the total amount now reaches \$52,000, evidenced by territorial warrants drawn on the capitol building fund, but not paid by the treasurer for lack of funds. These warrants are an anomaly in our financial system. They are a constant menace to our credit and detrimental to our good name. The people interested in our securities persist in misunderstanding the attitude of the territory, and protests are received from various quarters against what is called our repudiation of the territory's obligations. An old law provides that all warrants shall be received for taxes, and an application was made a year ago to have them taken for this purpose. To test the case, the treasurer, under my direction, refused to so receive them. Suit was brought and the District Court held that they must be taken. Under the peculiar circumstances, I directed an appeal. This appeal is still pending, although I some time ago requested the attorney general to dismiss it on condition that no more warrants, except those then provided for, were issued, and that the commission would resign and pay the accrued costs.

The property belonging to this fund, worth certainly much more than the debt, should be sold and some plan adopted which will no longer permit these warrants, bearing the

official seal of the territory, to be hawked about the country, an encouragement and desire to the people.

The report of the superintendent of public instruction gives a marvelous exhibition of the growth of the territory, both in population and educational advantages. The following table gives a brief summary of the facts contained in the report, for the year ending June 30, 1886.

Total receipts.....	\$ 49,721.44
Expenditures.....	40,721.44
Balance on hand.....	432,000.86
Number of children of school age.....	103,384
Number of teachers employed.....	5,055
Number of schools.....	3,905
Number of schoolhouses.....	3,467
Population in each school.....	129
Sittings in schoolhouses.....	110,111
Value of permanent school property.....	\$2,989,696.29

The report of the territorial auditor shows that a vast volume of business has been transacted in his office. Nothing more clearly denotes the growth and development of the territory than the exhibit thus made. I call particular attention to this report and the suggestions contained therein which are based upon the experience of this officer and made after the most painstaking and diligent inquiry. His recommendations regarding the amendment of the revenue law are particularly worthy of consideration.

The commissioner of immigration submits an interesting report. If any one has supposed this office to be a sinecure, the perusal of the report will dispel the idea. The business of the commissioner has steadily grown until his office is now among the busiest of the territorial officials. Inquiries about Dakota have been received from nearly every state and territory in the Union, embracing nearly six thousand separate inquiries in nineteen months. From twenty to thirty thousand persons have been supplied with documents of various kinds. The number of miles of railroad track laid during 1886, as given by the commissioner, is 678, and the total miles of completed road in the territory, 3,491. Several hundred miles are graded also, on which track laying will begin in the spring. One of the most important duties assigned the commissioner, that of collecting local statistics, he has been unable to perform in anything like a thorough and satisfactory manner, owing to defects in the law. Such results as it has been possible to accomplish are submitted with his report. He suggests certain amendments to the law in this, and other respects.

The board of agriculture has accomplished more than was hoped at its formation. It deserves encouragement. Two fairs have been held at Huron which were surprising in their completeness. I believe an experimental farm under the direction of this board, or other competent direction, would be a valuable help to our agricultural interests. We do not want a scheme to provide places for more officials, but a plain, simple provision for practical experiments, which shall be of service to the farmers of the territory.

The board of dental examiners submit a report showing ninety-eight registered dentists in the territory.

The Railway Commission, while an experiment, has certainly redounded to the public benefit. Perhaps the greatest advantage has accrued from the speedy settlement of disputes between the people and the companies, the railways leaving for the most part promptly complied with the requests of the commission. All the roads in the territory have reduced the rates of freight since the organization of the commission, and some the passenger rates also. Considering that the powers of the commission are limited, and that the law itself is very crude and incomplete, the people have reason to feel encouraged over the results. Much yet remains to be done, however, before the full measure of usefulness is attained by the commission. How this shall be realized is a difficult problem as the question of transportation always has been. It does seem, however, as if some means ought to be devised whereby the farmers' product could be taken to market with reasonable promptness, and in such a way shall not invite bankruptcy. There has been more than one period within the past few years when the more grain a farmer raised, the poorer he became. This is disastrous to the railroads as well as the farmer, for their hope, as well as his, lies in agricultural prosperity.

The commission recommends that all elevators be licensed and operated under bond, so as to afford the farmer assurance that his grain is safely deposited, and stamping warehouse receipts with the necessary authority to make them negotiable, both excellent propositions.

An extraordinary state of affairs existed in October and November, particularly along the line of the Manitoba Road, it being impossible to furnish cars to carry the grain brought in by the farmers. All the elevators were filled, teams were waiting at the stations to unload, and complaints poured in upon the commissioners from all quarters. Perhaps so serious a blockade is not likely to occur again, but there seems but one remedy for the difficulty, and that is in multiplying the number of cars. The roads will probably take steps in this direction, but as these cars, and indeed a great number of the present complement, must remain idle nine months in the year, the outlay will necessarily be a losing one, and will be incurred with

hesitation. We look to the railroads to develop this country, and none of us wish to deter new lines from coming in, but the farmer must live, or roads will have no incentive to come, and would be of no use if they did come.

The school for the deaf, dumb and blind, and dumb at Sioux Falls is in excellent condition and well managed. The appropriation made by the last Legislature for new buildings, etc., seems to have been wisely and judiciously expended. Provision is made for seventy students.

The North Dakota University shows an attendance of fifty-eight students, entirely too small a number considering the character of the institution, the terms, and the excellent course of study offered. I am at loss to account for the limited number of students, for the university appears to be well conducted, and the faculty to compare with that of other educational institutions.

The University of Dakota at Vermillion is in a flourishing condition. The entire attendance last year was 195, and the first week of this year shows 125 students present, which gives promise of a total attendance of 250. The college building proper is a substantial structure. The dormitory built from the appropriation of two years ago is a monstrosity, illy designed, badly constructed, and entirely out of keeping with the rest of the university buildings.

The Agricultural College at Brookings makes a report which is herewith submitted. No institution in Dakota has a brighter future than this college of agriculture. The attendance is already good, 252 students being enrolled for the last college year. There are at present 191 students in the college, and the number for the college year will probably exceed the last. The absence of a proper report from the directors makes it impossible to understand the expenditures of the board. I recommend that the Legislature call for a full and complete exhibit of the transactions of the board, required by law, before making further appropriations.

The Normal School at Madison shows a very large attendance and commends itself as a successful and well managed institution. A calamity befell the school in the destruction of the old building by fire in 1885. The citizens of the town took the responsibility of rebuilding, trusting to the Legislature to make an appropriation to cover the expense. The new building has cost \$20,000, and is one of the best as well as cheapest structures for public use in the territory. I recommend that the Legislature make appropriation to cover the cost of the new building.

The School of Mines at Rapid City, provided for by the last Legislature, will open for the reception of pupils next month. Great confidence is expressed in the success of this school. At the special term beginning in February there will be taught mineralogy, geology, chemistry, engineering, assaying, and the practical treatment of ores.

The Yankton Hospital for the Insane has 144 inmates. The present superintendent reports capacity for only 125, although all previous reports have placed the number of patients who could be accommodated at 200.

The Jamestown Hospital has 136 inmates, while the reported capacity is but 100. In making calculations regarding necessary quarters for inmates, much depends upon the views of the superintendent regarding the room required for patients. It is a question which requires examination, but I presume that forty or fifty more patients might be accommodated without any serious difficulty. At the same time I think it undeniable that there will be need of enlarging both hospitals before two years have expired. According to the estimates of the superintendents in charge, the territory will have 600 patients by the end of 1888. But my experience is that these estimates are delusory. Two years ago the superintendent of the Dakota Hospital estimated that by December, 1886, there would be 295 patients to be cared for from South Dakota alone, while the report now submitted shows that there are actually but 144. Still, as I have said, more room will undoubtedly be required. Just what additional improvements will be necessary is a matter for study and investigation.

The trustees of the Yankton Hospital have kept within their appropriations and have expended the money provided for repairs, improvements and buildings, in what seems to me a very judicious and economical manner. Both our institutions seem to be well conducted, indeed, it would be difficult to find a hospital of a similar character in the country which is superior to either of them in this respect. The only apparent reason for complaint is the amount expended for maintenance, which seems too large.

[The governor recommends the enactment of a law that will provide for the official inspection of the hospitals for the insane. While regarding the present conditions of the hospitals as creditable, he believes an occasional inspection would be advantageous in assuring the public that this is true, and would silence unfriendly criticism.—Ed.]

There are eighty-six prisoners in the territorial penitentiary at Sioux Falls. By placing two in a cell this prison will accommodate 144 males and ten females, so that it would not seem necessary to provide further room at present, unless it is desired that prisoners should be entirely separated.

The Bismarck Penitentiary contains fifty-two prisoners, all but one of whom have been sentenced from North Dakota in the past twelve months. The present wing contains room for 144 prisoners, by placing two in a cell. The warden's report advances many strong reasons for the separate confinement of prisoners. Upon this subject of single or dual



occupancy of cells depends the question of whether provisions shall be made for enlarging both prisons.

The law of 1885 allowing the governor at his option to open the Bismarck Penitentiary as a reform school, was found inoperative, owing to the failure to confer upon the courts power to sentence prisoners of this class to confinement at Bismarck.

The pardoning of prisoners and their parole receive considerable comment in the message, and a recommendation is made for the establishment of a board of pardons. The message also commends the militia organization of the territory, suggesting the necessity for an amendment fixing a definite number and proper apportionment of the force. The law was faulty in this respect. The message says, "this organization not only saves the people from an annoyance of a demand upon their time for such service, but is found very convenient in case of local disturbance, liable to arise at any moment."

The census of 1885. The entire expense of taking the census of the territory amounted to \$44,968.47. The amount allowed for the purpose by the United States was \$30,000, leaving a balance of \$9,401.58. Three thousand, two hundred and forty-one dollars and thirty-three cents of this allowance was withheld by the department to cover the direct tax levied in 1864, and which Dakota, in common with nearly all the states, failed to pay in full. This amount will be returned to the territory as soon as authority can be obtained from Congress. No other territory succeeded in complying with the law, and no other state, save one, did so, and that had an enumeration of only sixty thousand people, and finally saw the entire appropriation she had earned, withheld by the treasury department to cover old indebtedness. It is a simple act of justice on my part to make this public acknowledgment to the supervisors of the census, A. W. Edwards, of Fargo, and R. B. Fiske, of Pierre, for their faithful and untiring efforts in this work. But for the zeal and energy displayed by them the attempt would have been a failure, and the population and resources of the territory would yet be a question of dispute.

Since the adjournment of the Legislature of 1885, the accounts of the Dakota Commissioner to the New Orleans Exposition have been received, examined and closed by the officers selected by the Legislature to perform the duty.

The law relating to notary publics classes such persons as territorial officers, and subjects them to the qualifications required by the general law, one of which is that they must be male persons over the age of twenty-one years. I know of no reason, moral or political, why women should not hold the office of notary public. I speak of this here because I have had applications from worthy, intelligent and capable women, which I have been compelled to refuse solely because of sex. The duties of a notary public are not such as to conflict even with the traditional sentiment regarding woman's sphere. I hope the Legislature will so amend the law as to do away with this restriction on account of sex.

Soldiers' Home. The territory should take the initial steps to construct a home for disabled soldiers. We do not need this now, but the time is coming when it will be required. There are between ten and twenty thousand old soldiers in Dakota. For the most part they are thrifty and prosperous, but misfortune will overtake some, and they should not be left without provision. Our old soldiers must not become mendicants or pauper populations. I recommend the setting aside a certain percentage, either of the revenue or of the lands redeemed, as a fund for this purpose, and which will in a few years enable us to construct a home worthy of the object to which it is dedicated.

A few car loads of articles sent to the New Orleans Exposition were returned to the territory and stored in the capitol building. They are of little intrinsic value, but will possess much interest in the future as an illustration of the early life of the territory. I hope the Legislature will see to it that the collection is safely kept.

I recommend the passage of a general law providing salaries instead of fees for county officers.

Regarding meetings of public boards for public institutions, the Legislature should fix the mileage and per diem, limit the number of meetings for which per diem or mileage shall be charged, and provide that other or extra sessions of the boards shall be holden without expense to the territory.

The message recommends the addition of the office of public examiner to the roll of Dakota officers, and supports the recommendation by allowing much business in the administration of county officers, in the appointment of witnesses, jurors, and without any of dishonesty. A recommendation is made for a revision and codification of the territorial statutes.—Ed.]

The credit of the territory, as well as the credit of municipalities is strengthened and improved by the passage of a law of Congress limiting indebtedness. Under that law the territory cannot contract debts to an amount exceeding one per centum on the assessed valuation of the property of the territory. Our assessment being \$9,000,000, and our present indebtedness \$308,700, it will be seen that we have not yet reached the prescribed limit. Loans may be made for the erection of public, charitable and educational institutions, but for no other purpose. It is further provided that no city, town or county shall hereafter make any subscription to the capital stock of any incorporated company or loan its credit to, or use it for the benefit of such company, or borrow money for the use of such company. No municipality, county or other subdivision can become indebted beyond four per centum of the value of the taxable property within such corporation. General laws may be



framed relating to the subjects prohibited, the purpose of the law of Congress being to prohibit much vicious special legislation, which however great a convenience in some cases is generally pernicious and unfortunate.

**STATEHOOD.**—The late election shows that Dakota has a population considerably in excess of half a million. The territory is filled with that most staid and permanent of all classes, an agricultural population. It expends \$2,000,000 annually for schools. It has expended more than six hundred thousand dollars in the erection of permanent buildings for territorial institutions. It has 3,500 miles of railway, and 300 newspapers. It has 1,000 post-offices and pays \$500,000 annually into the postoffice department alone. In all that goes to make up a great commonwealth it is ahead of a dozen of the old states of the Union. It maintains its credit; it pays its debts; it contributes thousands upon thousands to the national treasury. Its people are law-abiding and God-fearing. No army is required to maintain public order. No police are needed to protect citizens in the enjoyment of their property. Respectfully, her people have petitioned for recognition by Congress. Year after year they have seen that body meet and adjourn without action, and this in the face of that ordinance declaring that when any territory possesses 60,000 people it shall be admitted into the sisterhood of states. I do not doubt but what the blessings of statehood are magnified as the disadvantages of a territorial condition are exaggerated. But that does not matter. The people of Dakota are entitled to admission. No one denies it. No one questions it. Upon what hypothesis or ground of reasoning the application is denied, it is difficult to conceive. On the ground of policy it is a blunder; on the ground of partnership, it is something worse. We have seen people fighting to get out of the Union amid the protests of the National Government; it is a novel sight to see 500,000 people struggling to get into the Union without being heeded or recognized. The excuse sometimes heard that there is doubt as to whether the people desire one state or two is not valid. If Congress cares to know the opinion of Dakota, let an enabling act be passed with a clause submitting this question to a vote. All doubt will then be dispelled. At least give Dakota an opportunity to be heard.

I wish to say in this connection and with all emphasis, that the territory cannot accomplish her aim by any extraordinary or extra-judicial methods. Let us disavow at once and forever all intention of seeking such a remedy. Experience has proved it difficult for a state to force its way out of the Union; it is even more difficult to force its way in. I take the responsibility of saying that no such attempt will be made by the consent of the people of Dakota. They will not place themselves in the attitude of law-breakers or revolutionists. I stake my reputation on their loyalty, on their patience and on their forbearance. They love the Union of these states. Thousands of them fought and shed their blood for its maintenance, and they recognize its paramount authority even when that authority forbids their participation in privileges which they have richly earned. But all this does not alter or lessen the wrong. It but makes it the more glaring and flagrant. Nothing becomes a government or an individual more than the prompt recognition of rights which, owing to circumstances, cannot be demanded and enforced. The nation is powerful; the territories are helpless—they have no ingenerate powers. They were established on the supposition that the nation would deal justly with them. They were left without redress because the fathers confided in the honor and good faith of those who were to succeed them. I beg the men who represent the statesmanship of this country, not to betray that trust. It is not the people of Dakota who will be the greatest sufferers by reason of such betrayal. It is the principle of representative government. An individual may be wrongfully denied the elective franchise without depriving him of the material pleasures of life. He may amass property, win friends, seek happiness in a hundred ways. But that wrong creeps into the body politic and festers there. It becomes the precedent for other and greater wrongs. It degrades liberty, sports with a solemn injunction of the fathers, and sacrifices those principles which are eternal, to the pitiful exigencies of an hour. No party can afford to do this. No people are strong enough to trifle with a fundamental principle which affects the rights and privileges of half a million of their fellow citizens. We profess in this land to want an honest expression of the people regarding public measures and public men. Can any statesman honorably vote to exclude Dakota because, if admitted, her vote will probably be cast in a given direction? Is that the end and aim of statesmanship? Have our great men accomplished their life mission when they have deprived a few of their struggling fellow countrymen of a political privilege because they differ from them on the petty details of government? If that is so, then politics and politicians merit all the opprobrium heaped upon them. I speak here without one selfish thought. I utter this protest simply in behalf of the disfranchised thousands of honest, industrious, law-abiding citizens of this territory, who, so far as voice or influence in national affairs are concerned, are as powerless and helpless as the Indian tribe shut in upon a neighboring reservation.

The people must bear and wait. But let us hope that if ever, in the days to come, a representative of the State of Dakota shall raise his hand to stay the admission of a territory similarly situated, the people, remembering their own great wrong, will relegate him to eternal oblivion.

And now having terminated my official duty, I invoke the blessing of God on the members of this General Assembly, and on the people they represent.

GILBERT A. PIERCE, Governor of Dakota Territory.

Governor Pierce then introduced Louis K. Church, who had been appointed governor, but not yet confirmed by the Senate. Governor Church's brief address was in the words following:

Governor, Mr. President, Gentlemen of the Council and House of Representatives: It would be appropriate for me to say at this time that no one realizes more than I the duties that are about to devolve upon me. There are no doubt many questions that will arise that may be incurred. In the future questions will necessarily arise that will cause you and I to differ as respects legislation, but I trust that we will always be found to agree when the interests of our great territory are at stake. I desire to say that it would be extremely indelicate on my part to attempt to define the political situation, but I say to you, gentlemen, in all earnestness, in all fairness, that to the best of my ability, so help me God, I will do my full duty to all the people of Dakota. There are a great many important questions which will arise during this legislative session, and I trust that all enactments that may be placed on the statute books will be such as will reflect credit upon you and your constituents, and will likewise reflect credit upon the executive of the territory.

At all times and upon all occasions it shall be my desire to act in harmony for the benefit of the whole territory. I desire to be governor of Dakota, representing no faction, no cliques, wedded to no section or portion of the territory, but I believe that it is my duty to the fullest extent to hold the balance between the sections of the territory in justice, rectitude and fairness. I do not desire to say anything at length upon this occasion, but there will undoubtedly be times when I may have occasion to communicate with you.

There is no one who more fully appreciates the retiring gentleman than I do myself, and only trust that when my duties as executive shall close, I will carry with me the record and esteem of the Chief Executive of the United States, which I know my predecessor will carry with him into private life. I thank you for your attention, and trust that, considering the delicacy of the occasion, you will excuse me from making any further remarks.

The President evidently apprehended that the best interests of Dakota demanded a change in the governorship, and without waiting the action of the Senate on the confirmation of Governor Church, he accepted the resignation formerly filed by Governor Pierce, notifying Pierce of his action by telegraph, as follows:

Executive Mansion, Washington, D. C., January 31, 1887.

To Hon. Gilbert A. Pierce, Governor of Dakota:

To avoid complications and to enable you to enter upon your contemplated plans, your resignation as governor is accepted, to take effect upon receipt of this.

(Signed) GROVER CLEVELAND.

Upon receipt of this document, Governor Pierce transferred the executive office to Secretary McCormack, who became acting governor under the provisions of the organic act, and retired.

Governor Church's appointment was a long time held by the Senate without action. This was not due to any objection to the appointee whatever, but as sometimes happens, the chairman of the Committee on Territories was absent for nearly a month, and the committee to whom the appointment was referred, the Territorial Committee, of which Senator Benjamin Harrison was chairman, as a matter of customary courtesy, deferred reporting the Church appointment until the chairman's return, probably expecting an earlier termination of his absence. It was, however, reported that Church had been accused before the Senate committee of intemperate habits.

Judge Church may or may not have been a moderate user of intoxicants. It was not publicly commented upon, however, while he was the incumbent of the judicial office. But if he drank publicly, and ever so moderately, it would have prejudiced him in the minds of many people of all classes. The reader is reminded that Dakota, as subsequent action proved, was a prohibition territory, and each division of the territory, north as well as south of the proposed dividing line, was prohibition territory, therefore it would not be remarkable if some party, knowing of Judge Church's propensity, occasionally, to take a social glass, had felt it a duty to so inform the Senate committee having charge of the confirmation, and it is not surprising that the Senate felt that its duty was to investi-

gate the matter, for prohibition had at that day found its way into the halls of Congress and throughout the executive departments, and its voice had become potent in political affairs. The Senate did investigate and evidently found nothing that would justify a refusal to confirm the nomination. Regarding the strength of the prohibition sentiment in Dakota, the reader is reminded that the prohibitionists, through their leaders, Rev. Joseph Ward, Reverend Whitfield, Editor N. C. Nash, of Canton, John A. Owen, of Kingsbury County, H. H. Smith, of Yankton, and many others, initiated the original organized movement for statehood as early as 1882, and out of their meetings, subsequently treating prohibition as a separate feature of the state polity, grew the convention and constitution of 1883, then those of 1885 held under territorial authority, and it will be observed that these prohibition leaders were prominently identified with all the conventions and with the making of the constitutions, and were finally rewarded by seeing the Dakota states admitted to the Union flying the prohibition flag. And viewing the field of prominent leaders of all parties, and there were four, including the Farmers' Alliance, they were all avowedly, or by example, in sympathy with the prohibition movement.

February 4th Governor Church was confirmed, and entered upon the duties of governor February 17th. Chief Justice Tripp administered the official oath.

A bill to remove the Federal Court from Yankton to Mitchell was introduced in the House by Mr. Meltzer, of Davison County, on January 26th, and was thereafter a bone of contention during the remainder of the session, and formed the principal bond that united a faction of the southern members with the northern members whereby the security of the capital at Bismarck was assured. The court bill passed the House, but failed in the Council. The vote in the House stood thirty for to sixteen against.

At this session the House passed a bill introduced by Mr. Hobart, of Moody County, requiring the territorial treasurer to hereafter account for interest received on territorial deposits. The Council failed to reach a vote on the measure.

In the House of Representatives the following resolutions expressive of the sentiment of the body with reference to the state and division movement of the southern half of the territory were adopted by a vote of twenty for to seventeen against, to-wit:

Resolved, That the proceedings of the late constitutional convention, assembled by authority of law to frame a constitution for the State of South Dakota, meets our most hearty endorsement and approval.

Resolved, That the course pursued by the people of South Dakota through their representatives in the constitutional convention, and the officers elected under the constitution has been wise, patriotic and courageous.

Resolved, That North Dakota, by reason of its territory, its development, its resources, and the character, intelligence and enterprise of its inhabitants, is entitled to speedy admission into the Union, upon an equal footing with other states.

The Territorial Legislature closed its sixty days' session on Friday, March 11th. The weather during the session had been of the order known as "blizzardy" a large portion of the time. The cold was intense and prolonged. Railroads were blockaded with snowdrifts throughout the Northwest, and mails interrupted.

E. W. Caldwell, of Sioux Falls, and Charles H. Price, of Highmore, were appointed compilers of the general laws of the territory under an act passed by the Legislature. The compilation of 1887 was the product of their labors.

The following laws were among those enacted at this session:

Locating a Soldiers' Home at Hot Springs, and authorizing territorial bonds to the amount of \$50,000 for the erection of buildings. Vetoed. Passed over the veto. Providing for the appointment and prescribing the duties of a public examiner. Establishing the Dakota Experimental Farm and Forestry Institution. To provide for the support of indigent soldiers and sailors and their families.



To regulate the practice of pharmacy. Providing how tickets shall be prepared for elections. To give to fire departments a portion of the taxes paid by insurance companies. To amend the exemption law. The county boundaries of Morton County were defined. Establishing a Territorial Horticultural Society. For the preservation of game.

The bills passed at this session of the Legislature were approved or disapproved by three different governors, namely, Pierce, Acting Governor McCormack, and Church.

#### TO LOCALIZE THE CAPITAL COMMISSION

There was nothing done by the Legislature of 1885 toward legalizing the acts of the capital commission which had been acting under authority of the chapter 104 of the laws of 1883. The Legislature passed a bill removing the capital from Bismarck to Pierre, which Governor Pierce vetoed on the ground virtually that the Legislature had no authority to remove the capital, the capital commission having exhausted the authority of the territory by an agreement with the Northern Pacific Railway Company, which located the capital on ground donated by that company for the special purpose, and thereby obtained a vested right in such location which the Legislature was powerless to disturb. The Legislature failed to pass the bill over the veto, and there the matter rested, the capital commission continuing in office. Its duties under the removal act were practically completed, but the Legislature, a majority of whose members had come determined upon removing the capital to some point in the southern part of the territory, declined to take any steps that could be construed as a recognition of the validity of the capital commission law. In the course of its proceedings the capital commission had largely overdrawn the appropriation made to defray its expenses by the law of '83, and the territorial auditor, who was Governor Ordway's son, had issued territorial warrants upon the treasury to meet this overdraft, but the territorial treasurer had declined to pay this class of warrants, and they were being transferred to the hands of "innocent purchasers" at a sacrifice, with the design of resorting to the courts to enforce payment should the Legislature refuse to come to their relief. This was the situation when the Legislature convened in January, 1887. The Burleigh County representatives were anxious that the territory should assume the burden of the capital commission, and early in the session of 1887 a bill was introduced in the House by Representative Williams, of Bismarck, House bill No. 145, entitled:

**An act to create a board of trustees of public property, to provide for the appointment of a commission to appraise and sell certain real property of the territory, to pay outstanding warrants, and to discharge the commission created by chapter 104 of the laws of 1883.**

There was considerable opposition to this bill, particularly in the Council, where its consideration was deferred until the last days of the session and where the vote in favor of it was carried by the slim majority of one, and these were cast by members who had steadfastly opposed the method by which the capital had been removed to Bismarck. In support of the measure was the expectation of a divided territory and statehood for both sections at an early day. The decision of the Supreme Court of the United States, to which tribunal the case had been removed from the territorial court, might be delayed for years, and would not be heard at all should the admission of the states intervene. The indebtedness, though incurred without authority, had been allowed by the territorial auditor and was largely in the shape of territorial warrants that in the course of business had drifted into the possession of "innocent holders." There was no member of the Legislature whose constituents valued the prize of the territorial capital as worth an attempt to remove it, and no bill had been presented for this purpose during the session. For the credit of the territory to remove the question from the arena of discussion which was now well occupied



with the larger subjects of statehood for two states which had become very much complicated by the change of the national administration and had peopled official Dakota with a strong battalion of democrats who would have been best satisfied to be "let alone" in their comfortable places, just as the republicans would have been had the fortunes of politics favored them, it seemed to some of the members who had strenuously fought to undo and repudiate the original removal scheme accomplished by the venal practices of the Ordway administration, that the wiser course was to end it all, remove whatever estrangement existed between the north and the south on account of it and relieve the deluded people who had come into possession of the capital prize (?) of their long and troublesome nightmare. It was also apprehended that in case of division the northern state would pay the full capitol building debt when the public property of the territory, which consisted of many public institutions, came to be apportioned to each section.

It will also be observed that the bill or act makes no attempt to even commend any of the proceedings or methods of removal, or extenuate them.

#### SALE OF TERRITORIAL BONDS

The Legislature of 1887 had been quite prodigal of the credit of Dakota Territory, possibly anticipating that it was about the last opportunity it would have to do something handsome for its people that would keep her in remembrance for many years after she was gone. And they hit upon the most enduring memento almost unanimously, and with little regard for the financial condition of their constituents and with a generosity out of all proportion with the actual needs of many of the various public institutions favored. Six hundred and fifty thousand dollars in bonds of the territory were bestowed upon the following named public institutions, for new buildings and betterments, and in addition was the vast sums in cash appropriated to maintain and subsist the inmates and officials of the institutions, and the small army of territorial officials in the pay of the territory, whose number was now set down at 112, with pay and salaries ranging from five hundred to two thousand five hundred dollars annually.

At this time one occasionally heard or read of the great-hearted "Uncle Sam," whose headquarters were at Washington, and who was cheerfully maintaining the vast expense of running the Territory of Dakota under the inexcusably erroneous belief that the Federal Government was defraying the expenses incident to the government of the territory; whereas, in truth, the government's contribution in that direction was but "a drop in the bucket." Leaving out of account the expense for common schools which was borne entirely by the people and had grown to over six hundred thousands of dollars annually, the people paid the salaries and all the expenses of maintaining every official except the governor, secretary, marshal, United States attorney, the collector of internal revenue, the postmasters, and the judges of the Supreme Court, who were also the judges of the districts courts, but as nearly all had jurisdiction of United States cases, and all Indian cases came under that head, the Federal Government would have been obliged to maintain courts for the adjudication of that major portion of court business regardless of the territorial government.

Prior to 1880, and for a year or two later, there was little business for the courts except United States cases. The auditor, treasurer, attorney general, and all of the 112 officials whom the governor appointed, were paid by the people of the territory. There was a gross injustice in this, but the original organic act provided, section 7, that:

The governor shall nominate, and by and with the advice and consent of the Legislative Council, appoint all officers not herein provided for.

The actual biennial expense of the Territory of Dakota to the general government was about forty-two thousand five hundred dollars, or less than twenty-

five thousand dollars a year, while the general government was reaping a harvest of hundreds of thousands from the territory by the sale of public lands, from internal revenue and from the postoffices. The amount which the territory was paying for the officials appointed by the governor aggregated about two hundred thousand dollars annually.

The bonds voted for public institutions in 1887 and the amounts to each are given in the following table:

North Dakota Insane Hospital, $4\frac{1}{2}$ per cent, fifteen years.....	\$153,000
North Dakota Penitentiary, $4\frac{1}{2}$ per cent, thirty years.....	20,000
Spanish Normal School, $4\frac{1}{2}$ per cent, ten years.....	
Dakota Insane Hospital, Yankton, $4\frac{1}{2}$ per cent, twenty years.....	92,500
Reform School, 5 per cent, ten years.....	30,000
Deaf Mute School, Sioux Falls, 5 per cent, ten years.....	23,000
School of Mines, 5 per cent, ten years.....	23,000
University of Dakota, Vermillion, $4\frac{1}{2}$ per cent, twenty years.....	30,000
Dakota Penitentiary, Sioux Falls, $4\frac{1}{2}$ per cent, twenty years.....	14,300
Agricultural College, Brookings, $4\frac{1}{2}$ per cent, twenty years.....	54,500
Refunding bonds, $4\frac{1}{2}$ per cent, twenty years.....	107,500
Total.....	\$641,800

The bonds were sold about the last of May, 1887, after advertising by Territorial Treasurer Raymond. There were seven bidders, from Chicago, Cincinnati, and New York, and Preston & Co. of Chicago being the highest bidders, took them all at  $4\frac{1}{2}$  per cent and paid a premium of \$3,338. It was claimed that this was the first sale of territorial bonds ever made at less than 6 per cent.

James A. Ward, of Sioux Falls, was appointed territorial auditor as one of the first official acts of Governor Church after assuming the office of governor. He succeeded E. W. Caldwell, also of Sioux Falls, who had been the incumbent during the Pierce administration, and had established an enviable record for efficiency and faithfulness to the interests of the territory. Mr. Ward was a prominent merchant, and a successful one, and a personal friend of the governor, a moderate democrat, strong for division, and a citizen in whom the people had confidence.

February 23d, Governor Church appointed Hon. P. F. McClure, Pierre's popular mayor, commissioner of immigration, to succeed Lauren Dunlap. The governor also appointed Alexander Griggs, of Grand Forks, Abraham Boynton, of Lennox, and N. T. Smith, of Huron, railroad commissioners. The salary of the commissioner of immigration was \$2,000 with \$500 for office expenses. Railway commissioners received \$2,000 each annually. Territorial treasurer, salary \$2,000. Attorney general, \$2,500. Superintendent of public instruction, \$1,500, office furnished and traveling expenses paid. Assistant superintendent, \$1,500 and traveling expenses. Fees for certificates formed quite a respectable income. Superintendent board of health, \$500. Adjutant general, \$1,000 and \$500 for office expenses.

The following appointments were also made: Sioux Falls penitentiary trustees—P. J. Runkel, John J. Murray, Porter P. Peck, W. H. Corson, E. P. Rebec. State University, Vermillion—D. M. Inman, H. E. Hansen, H. H. Blair, J. N. Conklin, J. C. Ryan. Dr. F. A. Spafford, Plandreau, vice president of the board of health—Dr. Chas. E. King, of Mandan, superintendent of the board of health. Sioux Falls Deaf Mute School—Walter W. Goddard, J. T. Gallart, Frank S. Blackman, Charles S. Wynn, Charles C. McKinney. Insane Hospital, Yankton—Frank I. Van Tassel, Charles H. Brown, Martin J. Lewis, William Powers, B. S. Williams. Madison Normal School—D. D. Baldwin, George C. Jones. Superintendent of public instruction—Eugene A. Dye, of Mellette, Spink County. Attorney general—C. E. Templeton, Fargo. Public examiner for North Dakota—A. W. Edwards, Fargo, and Charles N. Harris, of Aberdeen, for South Dakota. Directors Bismarck Penitentiary—W. D. McCabe, Jamestown; H. C. Plumley, Fargo; T. L. Shattuck, Fargo; John Russell, Valley City; Alexander McKenzie,

Bismarck. F. S. Tyler, of Fargo, was appointed public examiner for North Dakota, the appointment of A. W. Edwards having been withdrawn.

Governor Church's successor as judge of the Huron District was Hon. J. L. Spencer, of New York.

About the first of November, 1887, J. W. Raymond, of Bismarck, was relieved of the office of territorial treasurer, an appointment he received from Governor Pierce, and John D. Lawler, a banker of Mitchell and a good democrat, was appointed by Governor Church to succeed him. Both were very capable men, Raymond being a republican.

#### RIVER BREAKS UP MARCH 10TH—OVERFLOW

Information from Fort Buford, received about the 18th of March, gave notice to all the inhabitants of the Missouri Valley below to prepare for an overflow. At Buford the river had broken up and was accompanied by a rise of thirty feet, one of the largest that had occurred since the fort was built. At Bismarck and Mandan the low lands were covered with water and ice, and the railroad bridge approach on the west side was four feet under water. The ice had moved out of the channel below Pierre some days earlier without gorging. A telegram giving the situation regarding the railroad bridge at Bismarck stated that a group of deer were observed on the floating ice in the channel of the Missouri, leaping from one piece to another in an attempt to reach the shore. Settlers were making their way out of the lowlands, frequently being compelled to swim across the low places.

All the bottom and second bench lands adjacent to Bismarck were under a seething mass of ice and water. Mandan was flooded and its inhabitants had sought refuge in the neighboring hills. The break-up above Buford began on the 17th with a rise of fourteen feet, which filled the channel to the top of the banks. Below the Yellowstone the ice was then intact and a gorge formed twenty-five miles below Buford and flooded the Little Missouri Valley, driving the settlers to the highlands.

On the 18th the river opened at Bismarck with a sudden heavy rise due to the breaking of a gorge near Washburn, some forty miles above. A gorge soon formed below Bismarck that in extent and ferocity far exceeded the great flood of 1881. At Bismarck the moving masses of ice swept away every obstacle and struck the immense warehouse of the Northern Pacific Railroad, claimed to be one of the largest in the world. The workmen at the building had a narrow escape from drowning, and within a brief two hours from the time the gorge formed near Fort Lincoln the water was in the second stories of the Bismarck River boarding house, which had been placed on what was considered land that was above high water mark. The work house which was nearly seven hundred feet in length was moved bodily over thirty feet and crashed into the bluff. The building was not wrecked but damaged to the extent of \$15,000. The meadow land south of the city, embracing a tract of 6,000 acres, was submerged and the river was flowing across it with torrential force. Fears were entertained that it would cut a channel through it. The width of water opposite the city was about six miles. Train service was suspended west from Bismarck. All small dwellings on the banks of the river were swept away or destroyed, and even steamboats were in an precarious position.

At Bismarck, or in the stretch of hundreds of miles of river country above and below, the rise exceeded by one foot the unprecedented overflow of 1881. At LeBeau, Walworth County, the water was reported six feet higher than in 1881. A number of Indians were reported drowned. At Washburn, fifty miles above Bismarck, the river was claimed to have been ten feet higher than in 1881.

Below Bismarck the rivers having their rise in the Black Hills and adjacent country, are quite numerous and empty large volumes of water into the Missouri during the spring floods. These rivers are the Grand, which comes first; thirty



miles below the Grand the Moreau comes in; then eighty miles further down the Big Cheyenne pours out a tremendous volume; the Bad River is fifty miles below the Cheyenne, flowing through the village of Fort Pierre; next comes in White River, 145 miles below the Bad, and 130 miles below the White the mouth of the Niobrara is reached. The simultaneous breaking up of these streams caused damaging inundations along the bottom land of the Missouri through Charles Mix, Bon Homme, Yankton, Clay and Union counties, and inflicted serious damage to the Dakota Southern Railway in the three last mentioned counties.

A painful incident of the flood was reported from Livonia, Emmeson County, from which point a man was seen floating on a block of ice. He was waving his hands frantically and cried for help. The river was coming up rapidly and the heavy floating ice made it impossible for the settlers who saw him to send any relief. He was followed for at least four miles, and finally passed out of sight. The last words heard from his lips were taken to be, "My God, some one come out and help me. I have been on the ice all night and am almost dead." The settlers had no boat, but they felt certain that even with the best of boats rescue or attempts at rescue would only have imperiled the lives of those who attempted it. And it would seem that the unfortunate man was too far away to be reached by rope. Settlers around Livonia suffered the loss of nearly everything they possessed and narrowly escaped. Nothing was learned of the fate of the poor wretch who floated off and was yet standing erect when last observed. How he came to be in such peril was not learned nor anything concerning him.

About the same time the men engaged in watching at the Omaha bridge discovered a huge black bear seated on a cake of ice floating rapidly. They tossed a plank, which landed within four feet of him, but the only notice he gave it was to dip his nose into the water, and then turned as if looking for something upon which to spring. A bear had been observed passing an up-river point a few days earlier and this was believed to be the same animal. After passing Omaha no further tidings were had of him.

It was reported that a party among whom were Jacob McCarthy, a Mr. Kirtland, and four others, were drowned near La Grace, Campbell County. Skinners and Wilkins ranches, with much valuable live stock, in Campbell County, were covered with water twenty feet deep. Skinner lost 200 head of cattle in the flood.

It was noticeable that a number of points that escaped with slight discomfort during the flood of 1881 were the most serious sufferers in this overflow, and points where the former flood did its greatest damage went through with slight loss. This was due to the formation of gorges during the latter overflow at points that escaped such formations in 1881.

There were three washouts on the railroad between Yankton and the Big Sioux over the Milwaukee line that interrupted traffic for a week. Mail and passengers from the east were sent round by way of Scotland.

The James River was unusually high, the bottom lands in the lower valley submerged, but none of the bridges were moved.

At Insley's ranch on the Vermillion River, in Clay County, about two hundred head of cattle were caught by a sudden inundation. The owner succeeded in extricating the greater portion of his herd, losing a number of weak ones. The ice cold water and the ice floating appeared to sap the strength of many animals who had come through the winter in average condition and would do well under ordinary spring conditions.

No difficulty whatever was experienced at Pierre and no great loss occurred at Fort Pierre where the waters of Bad River threatened the place for a night and a day.

#### DAKOTA IN CONGRESS

Bills for the repeal of the pre-emption, timber culture and desert land laws were pending in Congress during this session. Bills for the purpose had passed



each House, but their provisions conflicted and differed to such an extent that a conference of a committee from each House was held, but no conclusion was reached. It was quite manifest that the laws named were regarded as having served their purpose and were no longer of service in inducing settlers to the public lands which in fact were growing near the day of practical exhaustion, except such tracts as were not regarded desirable for tillage. The homestead law was fulfilling every purpose required and was ample in its provision to accommodate the conditions of new settlers, and had already been designated as the only law that would be applicable to claims taken on the Sioux reservation for which negotiations had been partially completed.

The people of Dakota were greatly interested in the public land laws of the National Government, and watched the progress of this legislation closely. The conference committees above noted reported to their respective bodies that the conference had been unable to come to any agreement on the question of pre-emption repeal. It was understood, however, that it was a harmonious disagreement with the purpose of deferring action for a time.

Congress at this session passed a bill authorizing the construction of railroad bridges over the Missouri River, at Yankton and at Pierre. In case low bridges were built, the bill provided that the draw should be 300 feet wide. It was evident that Congress believed the day might come when the needs of commerce would demand a return of the steamboat fleets to the Missouri.

#### CONGRESSIONAL PROHIBITION OF TERRITORIAL LEGISLATION

In 1886 Congress enacted the following comprehensive law "prohibiting special legislation in the territories, to limit territorial indebtedness and for other purposes." The bill was approved July 30th of that year:

An act to prohibit the passage of local or special laws in the territories of the United States, to limit territorial indebtedness, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled:

Section 1. That the legislatures of the territories of the United States now or hereafter to be organized shall not pass local or special laws in any of the following enumerated cases, that is to say: 1. Granting divorces. 2. Changing the names of persons or places. 3. Laying out, opening, altering and working roads or highways. 4. Vacating roads, town plats, streets, alleys and public grounds. 5. Locating or changing county seats. 6. Regulating county and township affairs. 7. Regulating the practice in courts of justice. 8. Regulating the jurisdiction and duties of justices of the peace, police magistrates and constables. 9. Providing for changes of venue in civil and criminal cases. 10. Incorporating cities, towns or villages, or changing or amending the charter of any town, city or village. 11. For the punishment of crimes or misdemeanors. 12. For the assessment or collection of taxes for territorial, county, township or road purposes. 13. Summoning and impanelling grand and petit juries jurors. 14. Providing for the management of common schools. 15. Regulating the interest on money. 16. The opening and conducting of any election, or designating the place of voting. 17. The sale or mortgage of real estate belonging to minors or others under disability. 18. The protection of game or fish. 19. Chartering or licensing ferries or toll bridges. 20. Remitting fines, penalties or forfeitures. 21. Creating, increasing or decreasing fees, percentage or allowances of public officers during the term for which said officers are elected or appointed. 22. Changing the law of descent. 23. Granting to any corporation, association or individual the right to lay down railroad tracks, or amending existing charters for such purpose. 24. Granting to any corporation, association or individual any special or exclusive privilege, immunity or franchise whatever.

In all other cases where a general law can be made applicable, no special law shall be enacted in any of the territories of the United States by the territorial legislatures thereof.

Sec. 2. That no territory of the United States now or hereafter to be organized, or any political or municipal corporation or sub-division of any territory, shall hereafter make any subscription to the capital stock of any incorporated company or association having corporate powers, or in any manner loan its credit to or use it for the benefit of any such company or association, or borrow any money for the use of any such company or association.

Sec. 3. That no law of any territorial Legislature shall authorize any debt to be contracted by or on behalf of such territory, except in the following cases: "To meet a casual deficit in the revenues. To pay the interest on the territorial debt. To suppress insurrections, or to provide for the public defense, except that in addition to any indebtedness created

for such purposes the Legislature may authorize a loan for the erection of penal, charitable or educational institutions, for such territory, if the total indebtedness of such territory is not thereby made to exceed 1 per centum upon the assessed value of the taxable property of such territory, as shown by the last general assessment for taxation. And nothing in this act shall be construed to prohibit the refunding of any existing indebtedness of such territory, or of any political or municipal corporation, county or other sub-division thereof.

Sec. 4. That no political or municipal corporation, county or other sub-division in any of the territories of the United States shall ever become indebted in any manner or for any purpose to any amount in the aggregate, including existing indebtedness, exceeding 4 per centum of the value of the taxable property within said corporation, county or sub-division, to be ascertained by the last assessment for territorial and county taxes previous to the incurring of such indebtedness, and all bonds or obligations in excess of such amount, given by such corporation, shall be void. That nothing in this act contained shall be so construed as to affect the validity of any act of any Territorial Legislature heretofore enacted, or of any obligations existing or contracts thereunder, nor to preclude the issuing of bonds already contracted for in pursuance of express provisions of law. Nor to prevent any Territorial Legislature from legislating the act of any county, municipal corporation or sub-division of any territory as to any bonds heretofore issued or contracted to be issued.

Sec. 5. That section 1889, title 23, of the Revised Statutes of the United States be amended to read as follows:

"The legislative assemblies of the several territories shall not grant private charters or special privileges, but they may by general incorporation acts permit persons to associate themselves together as bodies corporate for mining, manufacturing and other industrial pursuits, and for conducting the business of insurance, banks of discount and deposit (not of issue), loan, trust and guarantee associations, and for the construction and operation of railroads, wagon roads, irrigating ditches, and the colonization and improvement of lands in connection therewith, or for colleges, seminaries, churches, libraries or any other benevolent, charitable or scientific association.

Sec. 6. That nothing in this act contained shall be so construed to abridge the power of Congress to annul any law passed by a Territorial Legislature, or to modify or amend any law of Congress requiring in any case that the laws of any territory shall be submitted to Congress.

Sec. 7. That all acts hereafter passed by any Territorial Legislature in conflict with the provisions of this act shall be null and void.

Approved July 30, 1886.

#### GOVERNOR CHURCH FOR ONE STATE

Governor Church made two public addresses during the fall of 1887, one at the North Dakota Agricultural Fair at Grand Forks, and the other at the South Dakota Agricultural Exhibition at Mitchell. While confining his remarks largely to the material resources of the territory, he touched upon the division question in each address, opposing a division of the territory, and favoring its admission as one state. This, it was claimed, was the sentiment of the President and a part of the policy of the administration.

Ex-United States Marshal Harrison Allen, who also spoke following the governor, advocated division.

Dakotans had been educated to favor division. The division of the territory was discussed when the territory was young and its people not many, and as population increased, settlement broadened and time passed, it continued to be advocated as something very desirable when settlements had grown up throughout the territory. And when the northern portion of the territory began to settle in 1872 with the coming in of the Northern Pacific Railroad, it was soon disclosed that the actual settlers and substantial citizenship of that section were even more zealous for dividing the territory than the older inhabited counties of the south, and so apprehensive were they that a southern delegate in Congress would not urge the importance of the measure upon Congress that they selected a candidate of their own, on the division issue, in 1874, and gave him considerable support.

The one state idea came in with Ordway, who thought he saw in it his opportunity to gain a seat in the United States Senate, and to bring this about before his term as governor expired. Before that time the abandonment of division was never considered, and was never favorably mentioned in any general assembly or public document.

Governor Church did not appear to possess the qualifications of an executive officer. He had given satisfaction as judge, but the duties and responsibilities of the governorship of Dakota at that time were as important and as diversified as the duties of any executive officer in the Union of States, and more important and diversified than in many. The territory was making more rapid headway in settlement and the increase of her population, and in general improvement, than at any time before. Everything betokened action, growth and prosperity everywhere, and the new governor may have labored under the delusion that it had come about because of the wisdom and merit of his administration, for he was not immune from vanity. The President had assured him that he was a statesman, and he may have felt that his own qualifications, coupled with his years of probation in the territory as judge, entitled his views to paramount consideration in such matters as the division of the territory. He seemed to be possessed of an assurance that if he counseled the people of Dakota to adopt the one-state plan, he would be able to change the current of popular sentiment.

There is no evidence that the governor was influenced by any sectional motive, nor any selfish motive, unless it sprung from a wish to promote the plans of the Northern Pacific Railway Company, which favored the one-state plan. Being a New Yorker, he argued from the standpoint of an inhabitant of that state, pointing out the great advantages accruing from a large delegation in the House of Representatives and in state conventions. His arguments seemed based upon the same foundation as the Springer letter to the anti-division convention, and it was suggested at the time that the Springer letter came addressed to Governor Church. The New York argument, however, was not suited to the conditions governing Dakota. Had the territory been on the Atlantic seaboard the example of the Empire State would have been worth considering. The territory nor the state or states formed from it were not to derive material strength, nor prosperity, nor improvement, nor better markets from its representation in national conventions, nor even from its representatives in Congress. In all these matters Dakota would be obliged to rely upon natural conditions that could not be changed, and upon the enterprise and intelligence of her own people.

Nature had apparently divided the territory and its material interests.

North Dakota was a part of Minnesota, politically and commercially, even before there was any settlement of importance within its boundaries; and Southern Dakota, by the commercial tie, was linked with Iowa and Chicago and Milwaukee. The geography of Dakota suggested its division. And Dakota had been divided to make Montana, again to make Wyoming, and had contributed to Idaho and Nebraska. There may have been the expectation in the minds of Congress when the vast territory was formed, that it would serve to carve up into a number of territorial dependencies when exploration furnished more definite information regarding its resources. There were some excellent reasons advanced for the one-state plan, even before Governor Church came among us with his commission. He furnished nothing new, gave no additional inducement, and his administration rather gave strength to division at the close of the long struggle, rather than weakened it.

For local reasons, for commercial reasons, in some important features of legislation, and as best subserving all the varied interests of the state, we believe it will be conceded that division has been fully justified by experience.

#### ENGLISH LANGUAGE IN INDIAN SCHOOLS

The coming into power of a new national administration was invariably marked by a change in the official heads of the Indian Bureau at Washington, and the new appointees invariably brought with them a panacea for remedying all the ills that afflicted the Indian question, and would result in placing him on the highway to civilization. This "was a consummation devoutly to be wished."

With Indian Commissioner Hayt, who served under President Hayes, it was



the use of beads and their employment in ornamenting the mocassins and leggings of the braves that had been the chief hindrance to the more rapid civilization of the Indian, and therefore beads were prohibited, the traders were forbidden to sell them, still no notable progress was observed in the upward march of the Indian toward a civilized mode of living that could be attributed to the banishment of beads.

When Mr. Cleveland became President, a new Indian commissioner was appointed, and as he reflected upon the very moderate progress the Indian had made toward the white man's customs, he was struck with the illogical rule that permitted the schools for Indian children, which had become quite numerous, to be conducted in the Indian vernacular. To be properly civilized, they should be taught the English language, and their studies should be in that language. Superficially considered, this looked reasonable, and the commissioner of Indian affairs, through his assistant, issued a general order in the summer of 1887 that the use of the Indian language was prohibited in the Government Indian schools, and the English language substituted, and further, that the violation of the order, by anyone, would subject the offender or offenders to expulsion from the reservation. This order was exceedingly distasteful to the missionaries and other instructors who had given many years to acquiring a knowledge of the Indian languages in order that they might be qualified to instruct the Indian children. The different religious denominations who had established Indian missions had been conducting nearly all the Indian schools, and they realized that such order, if persisted in and enforced, would be the abolition of one of the most valuable factors in their work of Christianizing, which included civilizing, the Indians. Therefore, the Association of Congregational Churches of Dakota, which included members who had spent from ten to fifty years as missionaries and teachers among the Dakota Indians, took up the subject at their annual conference at Sioux Falls, in September, and adopted the following memorial to the President of the United States. There were 105 church organizations represented at this conference:

To the President of the United States:

We are all of us face to face with the Indian question. Some of us, for almost twenty years, have known the men and women who are working to Christianize and civilize the Indian, and have seen and do see, every day, the success they have attained, so that we know what we are saying and feel that we have a right to speak. We therefore urgently protest against the recent order from the assistant commissioner of Indian affairs forbidding the use of the Indian language in all schools on the Indian reservations. We sympathize with the reason alleged for the order, namely—to hasten the time when the Indian shall use none but the English language; but we protest against the enforcement of the order for the following reasons:

First. It defeats the very purpose for which the order was issued, since long experience has shown that the readiest way to secure an intelligent use of the English tongue is by a thorough instruction in the vernacular.

Second. The enforcement of this order will cut off from many, both old and young, all means of instruction.

Third. But worst of all it shuts the avenue by which religious ideas are best conveyed to a large number of the people, and so entirely stops the carrying on of Christian work, which the experience of generations, not only with Indians, but with other degraded races of men, has shown to be the surest and quickest method of civilizing them.

If the Government should allow the assistant commissioner to rigidly execute the order, and if in that event the religious teachers shall still insist on using the Indian language, choosing to obey God rather than man, they will be most heartily and thoroughly sustained in such course by all churches. But we trust that when this matter is fully brought to your notice you will direct the revoking of the order, which is so directly contrary to fundamental principles of civil and religious liberty.

Sioux Falls, D. T., September 14, 1887.

The order was not enforced, and was, presumably, quietly revoked.

#### INSANE HOSPITAL TROUBLE

While the topic of general interest to the people of the territory—that of division—kept its prominence before the public, there being no Congress in ses-



sion after the short session closed in March, 1887, no progress was made toward securing Government action. But the people were not idle with reference to it, as will be observed by various public assemblies during the year, both north and south. An adjourned meeting of the Constitutional Convention was held at Huron, June 1st, but the purpose was only to comply with the requirements of the Sioux Falls constitution adopted in 1885, and to give formal consent to a further adjournment, and keep intact the organization. A further adjournment was taken until the first Thursday after the first Monday in January, 1888.

A purely local or territorial matter grew up, however, which enlisted the attention of the people and the press even beyond the boundaries of the territory. The Territorial Insane Hospital at Yankton was overcrowded and had been in that condition for more than a year, there being forty-eight more patients within its walls than the accommodations could properly, and with a due regard for the welfare of the patients, provide for. The Legislature of 1887 had recognized this condition and provided funds for the enlargement of the institution by authorizing the issue of \$92,000.00 of territorial bonds for the purpose, and made it the duty of the governor to approve the plans for the improvement prior to beginning operations. This approval, however, was required in all the public institution bills, and there were a large number.

There was hardly a county in the southern half of the territory but felt the need of the completion of this hospital work, as no more patients could be received until this was accomplished unless the superintendent saw fit to discharge the partially cured or harmless patients to make a place for emergency cases. And that officer had already consented to such a change in really urgent cases.

The question of the propriety of political party control of public institutions, particularly those of a charitable nature, became quite prominent in connection with the differences which now sprung up between the governor and the board of trustees of the hospital. Governor Church, during the legislative session of 1887, had appointed a board of trustees, consisting of Frank L. Van Tassel, Marin J. Lewis and Charles H. Brown, democrats, and William M. Powers and B. S. Williams, republicans. Three of these, Van Tassel, Williams and Powers, had been members of the former board, and the superintendent, Doctor Cravens, and steward, Dr. Joel A. Potter, and in general all the hospital officials and employes, had been giving not only excellent satisfaction, but had improved notably on former administrations, and the trustees regarded the institution quite fortunate in its management and had no thought of making a change. The hospital officials had not been selected on account of their political predilections.

It soon transpired, however, that this position of the board was not satisfactory, for the reason that the principal officers were known as republicans, and an effort was quietly made, through the governor's confidential friends, who were also holding public offices under his appointment, to secure a change. The plans and stipulations for the extensions had been submitted by the board to the governor, for his approval as the law required, but the governor had failed to return these documents or give them any attention, though frequently requested. He quietly ignored them, and in the meantime the territorial auditor, **Mr. Ward**, visited Yankton.

In the further progress of the controversy between the hospital trustees and the governor, which consumed the remaining months of the year, it became pertinent and necessary to make a public statement of what occurred during Mr. Ward's visit at the time, and the following was given out by Mr. Van Tassel:

On April 27, 1887, James A. Ward, auditor of Dakota Territory, visited Yankton, calling on me at my place of business. He represented that his visit was at the request of Gov. L. K. Church, who desired a change in the officers of the Dakota Hospital. That the present officers were placed there by republicans, and that now the democrats "were on top." I asked Mr. Ward if they, the officers, were considered incompetent, or had any charges been made that the patients were being abused. Mr. Ward replied, "No, that he believed they were good men, but reiterated that the governor desired their removal purely on

political grounds." This conversation was substantially repeated at the office of C. J. B. Harris, in the presence of Mr. Harris, Colonel F. A. J. L. S. and another Mr. Brown, trustee.

I declined to vote in favor of removal on any such grounds, and told Mr. Ward to say to the governor that I could make no promises. The interview that I had with Auditor Ward was also repeated to Governor Church, at Huron, in the presence of E. G. Smith and J. N. Gamble, and the governor told me that Mr. Ward had reported this case in that matter.

Following Mr. Ward, the attorney-general, Mr. Templeton, visited the hospital, and after investigating, informed a democrat member of the board that there was nothing wrong with the hospital management, but the democrats "were on top now and must have the places."

Following this official inquiry into the condition and management of the Yankton Hospital, the governor issued a general order directed to the trustees of the various territorial institutions, a copy of which follows:

Gentlemen: I would call your attention to the necessity of keeping the expenditures of each of the territorial institutions within the limit of the appropriation made by the Legislature, and that the expenditures of 1887 does not encroach on that part that should be reserved for 1888, and if possible have a surplus when your next report is made. The appropriations are liberal, and should you exceed your appropriations you are running a risk of incurring a personal liability. Should the present incumbent remain as executive, he will, at the next session of the Legislature, look with disfavor on all legislation making appropriations for deficiencies. The fact that there has been legislation in the past making appropriations for deficiencies will be no precedent for the future. Further, no fund or part of any fund must be used for any other purpose than that which the Legislature designated in making the appropriation.

At the close of the last biennial term, June 30, 1887, the Board of Trustees of the Yankton Insane Hospital turned back to the territorial treasury \$10,800 of the sum appropriated for the expenses of that institution, notwithstanding the extravagance alleged by the attorney-general and public examiner. The precautionary counsel of the governor, therefore, could not have been intended as a hint to the trustees of that institution.

The public examiner, Mr. Harris, of Aberdeen, came later still, and instituted an official investigation, examining some witnesses, and following this the attorney-general and public examiner came in company, and instituted a thorough investigation, going back to the transactions of the old board, prior to the meeting of Governor Church. The appointments of Van Tassel, Powers and Williams were the same under Church as had served on the former board appointed by Pierce, all being from Yankton, and because of the apparent delinquency of one member of the former board who was not now a member nor connected with the hospital, and who had been entrusted with a large share of the work of supervision, and being a professional architect, builder and sanitary engineer, was well qualified to supervise and estimate the expense of improvements made under authority of the board during the former term. Mr. Cobby, the member referred to, had been quite successful in his management, though provoking some criticism from his associates, but rendered a clear account of his work and accounted for every dollar of his disbursements.

These examining officials made much of Mr. Cobby's transactions, reporting their investigation and conclusions to the governor, who took official notice of the report, and improved the opportunity to say that Messrs. Van Tassel, Powers and Williams had been guilty of misfeasance or neglect of duty in granting such latitude to Cobby. Further than this the governor did not find from the report any evidence of dishonesty or inattention, or incapacity, on the part of the new board. The investigators, on the contrary, had commended the management of the new board as efficient and capable, but the governor was able, nevertheless, to gather enough from the report upon which to base a pretext for refusing to approve the plans for the improvement while the present board remained in control of the hospital. These proceedings took place before the 1st of July, on which date the bonds amounting to \$62,000 to supply funds for

the new buildings were sold. The situation at the hospital, its crowded and cramped condition, and the delay in the work of improvement had become publicly known throughout the territory, and was commented upon with more or less asperity by the newspapers. It seemed to be the general verdict that the governor's action in obstructing the new work at the hospital was not justified by anything that had transpired under the former board, and that a humane regard for the unfortunate insane and the public welfare demanded the enlargement of the hospital, provided for by the Legislature, at the earliest day practicable.

At this time the officers of the Board of Trade of Yankton, consisting of James H. Teller, ex-Governor Edmunds, Gen. W. H. H. Beadle, George R. Scougal, E. P. Wilcox, J. C. McVay, L. M. Purdy and W. H. Sanborn, joined in a lengthy communication to the governor, urging him, in the name of humanity, to arrange for the construction of the buildings, suggesting ways in which the governor could do this without compromising himself, but he declined to be guided by the humane reasons that were urged. Though he did not assert as much, it was well understood that he held uncompromisingly to his decision not to approve the plans while the present board remained in office. He seemed to feel that in order to vindicate himself before the people of the territory, and the proceedings he had already instituted, though these had cast no reflection upon the new board, the members thereof must resign and permit the filling of their places by new men. The position taken by the trustees was, that by resigning as the governor contemplated, that act would be a tacit admission of mismanagement on their part, and conscious that there had been nothing whatever to base such a charge upon, they refused to withdraw, though it was thought probable that had the governor made an avowal exculpating the board for all the charges that had been alleged against their management, they would have resigned, being well convinced that the enlargement of the hospital was urgently demanded.

The emergent situation at the hospital, caused by its crowded condition, and the daily pressure from the outside to secure the admission of patients, conditions better known in Yankton than other communities, led the Board of Trade of the city to make a second attempt to induce the governor to approve the plans for the enlargement of the institution, and let the improvement go forward. While the citizens of Yankton earnestly desired the improvement to proceed without delay, they could not consistently ask the members of the board to voluntarily retire while they were under charges by the governor of incapacity and dereliction of duty, coupled with dishonesty, especially as they knew, and believed the governor had been convinced that these charges were baseless, and made for the purpose of furnishing a pretext for his contumelious display of authority. Therefore, the Board of Trade, through its secretary, on the 5th of August, sent the following communication to his excellency:

Hon. L. K. Church, Governor, Bismarck, Dak.

Sir: Referring to our letter of the 6th ultimo, setting forth the urgent need of additional accommodations for the insane at the hospital at this place, we beg to say that the opinion therein expressed as to the importance of immediate action toward securing the additional room provided for by law has been strengthened and confirmed by subsequent events. Almost every day witnesses the arrival of patients whose admission must result in the further crowding of the wards, already filled far beyond their capacity, or in the discharge of unfortunates, who are sadly in need of the treatment and protection afforded by the hospital. The accommodations are now taxed to the utmost and to crowd them further is to impose hardships, discomfort and risk of life upon those whose condition calls for pity and protection. The situation is indeed one which appeals to the sympathies of all and may well demand the earnest efforts of the humanitarian to afford relief. In view of these facts, and in order to obviate your objections to approving the plans and permitting this proposed addition to the hospital to be constructed under the supervision of the present board of trustees, we submit the following proposition in behalf of the citizens of this city:

We will furnish a good and sufficient bond to the territory in such a sum as you may name, and to be approved by the chief justice, conditioned upon the honest, judicious and



lawful expenditure by the trustees of the appropriation for the construction of the addition to the hospital. This will insure an economical management of the funds without possibility of misappropriation on the part of the territory, and give the trustees the right of approval and open the way for an early remedy for the existing unfortunate situation, we are,

Very respectfully,

J. H. TELLER.

Secretary of the Board of Trade.

To this request the governor sent the following reply:

Territory of Dakota, Executive Office, Bismarck, August 10, 1887.

Hon. J. H. Teller, Yankton, Dak.

Yours of the 5th instant at hand, contents noted. I decline to place the care of the funds for construction of the addition to the asylum in the hands or under the control of the present board of trustees.

Truly,

L. K. CHURCH.

The governor's reply was looked upon as a virtual admission that his refusal to approve plans and let the improvement go ahead was not because he felt that the appropriation would not be honestly disbursed, as he had previously asserted. His true motive had been disclosed by Auditor Ward and Attorney General Templeton. He wanted control of the hospital, and the law had stated that this should be confided to other officials with the view, among other advantages, of preventing frequent changes in the management for partisan purposes, and to the great detriment of the welfare of the patients for whom the institution had been constructed.

The crowded condition of the hospital was shown in a report made by the superintendent of the institution in September, 1887. The secretary of the board of trustees, Frank L. Van Tassel, had received from Governor Church, under date of September 12th, the following official request:

Frank Van Tassel, Esq., Yankton, D. T.

Dear Sir: I am requested to make my report on affairs of the territory to the secretary of the interior by October 1st. I would be pleased to hear from you concerning the condition of your institution, the number of inmates, and such other matters as you may think of general interest. Please answer at your earliest convenience.

Respectfully yours,

L. K. CHURCH.

Secretary Van Tassel procured from the superintendent of the hospital a special report giving the conditions and other facts as desired by the governor, and transmitted it to Bismarck five days later. Following is a copy of Superintendent Craven's report:

Dakota Hospital for the Insane, Yankton, Dak., September 15, 1887.

F. L. Van Tassel, Esq., Secretary of the Board of Trustees of the Dakota Hospital for the Insane.

Sir: In compliance with request of the board of trustees of the Dakota Hospital for the Insane, I have the honor to make the following report:

Dakota Hospital for the Insane is located on section 36, township 94, north of range 56, west, in the County of Yankton. It is a substantial brick structure consisting of a center building 54 by 70 feet, three stories, basement and attic. Connected with it on the east and west are two wards, each 32 by 124, three stories, with unfinished basements. North of the center building, and connected with it by a corridor, is the chapel, underneath which is a kitchen. North of this are the wash house and ironing room, 18 by 20 each. Adjoining on the north are the engine room and coal shed. A small artesian well affords a limited supply of water.

The actual capacity of the hospital is 120 patients, but at this date, September 15th, we have 160.

To brighten and cheer as much as possible the lives of these afflicted ones, we constantly endeavor to make their surroundings as attractive as possible with pictures in the various wards, singing birds, plants, flowers and every available thing to interest and amuse them.

The overcrowded condition of this hospital renders it necessary for us, in the majority of cases in the male wards, to assign two patients to one bed in a room 8 by 10 feet, thus rendering recovery almost impossible. In the dormitories of the male department we are obliged to put from twelve to fourteen patients in a room designed for six.



The number of patients on hand at the close of our last biennial period, November 30, 1886, was 144, since which date 6 have been admitted, 29 discharged to make room for cases of more recent date, 25 refused admission for want of room and 12 sent home on trial visit and liable to return at any time.

Respectfully yours,

J. F. CRAVENS, Superintendent.

This report of the superintendent was sent forward to the governor, accompanied by the following letter from the secretary:

Dakota Hospital for the Insane, Yankton, Dak., September 17, 1887.

His Excellency, L. K. Church, Governor, Bismarck, D. T.

Dear Sir: In accordance with your request, dated September 12th, I have the honor to submit herewith a copy of the report made by Supt. J. F. Cravens, to the board of trustees, relative to the conditions of the Dakota Hospital for the Insane, near Yankton, September 15, 1887.

The last Legislature appropriated the sum of \$92,500.00 for the purpose of enlarging the hospital, and the board of trustees caused plans to be prepared for two additional wings to the same, and forwarded said plans to his excellency, the governor, on April 27, 1887, for his approval, according to the requirements of the act. His excellency, the governor, has failed to either approve or reject the plans and specifications, at which late date it is not practicable to undertake the completion of the wings this season. Through this failure on the part of your excellency, we are unable to make such a report as would please you and the board, and therefore call your attention to that portion of the superintendent's report which contains the following items, to-wit:

Twenty-nine patients discharged to make room for cases of more recent date.

Twenty-five refused admission for want of room.

Twelve sent home on trial and liable to return at any time.

Sixty-six, total refused and discharged for want of room.

Capacity of hospital, 120.

Number of inmates September 15, 1887, 160.

All of which is respectfully submitted, by order of the board.

Respectfully yours,

F. L. VAN TASSEL, Secretary.

Governor Church made no allusion to this report in the annual report he made to the secretary of the interior, but in lieu thereof made the following statement:

The territorial legislature, at its seventeenth session, appropriated the sum of \$92,500.00 for the construction of two additional wings and other improvements at this asylum. Charges of irregularity having been made against a majority of the board of trustees of this institution, and examination having been made by the public examiner, and report of such examination having been filed in this office, upon careful consideration of such report and the testimony taken, I have thus far deemed it my duty to withdraw my sanction to the expenditures of this appropriation under the direction of the present board.

The governor inserted the report of Superintendent Cravens in his report to the Interior Department.

Governor Church visited St. Paul about the 15th of August, and during his sojourn gave an interview to one of the newspapers, in which he spoke of the Yankton Insane Hospital embroilment, and President Cleveland's proposed western trip. Concerning the hospital matter, he said:

The people of Yankton need not worry about the injustice that will be done the insane by my refusal to allow \$90,000.00 to be used for the asylum enlargement, to be spent by the present asylum trustees. I have power to provide for the insane of the territory, and will do so. If there are more than can be accommodated at Yankton, I will provide for them elsewhere. They will not suffer.

No, I can't remove the present trustees. I wish I could. There is no use in establishing a precedent by winking and conniving at such proceedings as have been going on. The only way that the trustees can be reached by law is to have them indicted by a grand jury and tried by the Yankton court. The law says that three members of the board must be from Yankton. As there are only five members of the board it is necessarily localized. I can't remove the trustees directly or appoint their successors. I would do so if I could and would be justified in my action.

The governor here says that he will provide for the insane at Yankton and none need worry. It is remarkable that he had not done so, if he had the power, for there were at least fifty insane patients in the various counties with the hospital jurisdiction at Yankton who could not be admitted because the institution was then caring for an excess of over forty. Possibly some of these could have been transferred to Jamestown by an agreement with that institution, but that hospital was likewise overcrowded, so that no effort appears to have been made in that direction, forewarned that it would be useless. His boast that he could care for the insane was simply "buncombe." He also says that he had no power to remove the trustees, and yet two months later he did remove them. He must have received light on the subject from some unexpected quarter in the meantime.

Speaking of the effort of the governor to influence public opinion by means of the pamphlet issued by Public Examiner Harris, the *Redfield Journal*, in September, 1887, took occasion to say:

Gov. Louis K. Church is flooding the territory with pamphlet editions of the report of the public examiner on the asylum affair. The people of Dakota are interested but slightly in the one-sided investigation of a public institution by a prejudiced officer for political purposes. They are as equally disinterested in the findings of the governor unless these "findings" are followed by a vigorous prosecution of the parties alleged to have been guilty of gross negligence and dereliction of duty. When the Governor causes the arrest of the asylum trustees and makes at least an attempt to punish them judicially for the alleged violation of their official obligations, the people may begin to realize that there is something more than mere buncombe in the matter. They may then begin to realize that the governor is not withholding the \$90,000.00, appropriated for building improvements, for the purpose of permitting some one to have the use of the money and for the further purpose of making political capital for L. K. Church. Until something more than bluster comes from the chaotic mass in which the "investigation" left the affair, the public should be given a rest by the mugwumpian chief of our fair domain.

The *Minneapolis Journal* took occasion to express its opinion on the subject, as follows:

Governor Church is not a man to be envied. From the beginning, his administration has been characterized by carpet-bagism and political scheming, rather than an endeavor to provide for the best interests of the territory and its citizens. A long series of palpable mistakes has been redeemed by few wise and judicious ones. The course of the governor in regard to the Yankton Asylum appears to have been particularly reprehensible and has alienated the support of many good citizens of both parties who would cheerfully uphold their executive in the right. Governor Church is evidently of the opinion that a mistake well adhered to is better than a confession of error in judgment, no matter what the consequences. Public opinion and the exigencies of the Yankton Asylum call for the immediate expenditure of the fund appropriated by the last territorial legislature, but the governor, rather than retrieve his error, would let the helpless wards of the territory suffer. His only alternative, but that Van Tassel must resign, reflects no particular credit upon the governor. It is making a scapegoat of one man to vindicate the position taken by the governor. There does not seem to be any other reason why Van Tassel should be singled out for the sacrifice, and the opinion seems to be rapidly gaining ground in Dakota that the governor's pride is not worth enough to the territory to justify this unjust singling out of a victim who is no more guilty than the rest of the commission.

The *Jamestown Capital*, commenting upon the paragraph from the *Minneapolis* paper, said that:

The old democrat member of the board of trustees of the Yankton Asylum seems to be made of "sterner stuff." Being interviewed on the subject of his resignation so that Governor Church would approve the plans and allow the additional buildings to be erected, he replied with democratic emphasis that he would see the governor in that terrible region where the thermometer ranges above the boiling point in midwinter before he would resign with the charge of corruption hanging over him. Most any man of self respect would do as Van Tassel is doing in that matter and very few of the quality would do as the governor is doing, and the governor seems to be one of that very few. What with the insane of South Dakota restrained like felons in the jails, because the governor stubbornly obstructs the construction of additional buildings for their accommodation, for which the Legislature made ample provisions, and the public disgrace of two respected citizens of Northeastern

Dakota by dismissal from his staff at the Huron encampment without just cause, the governor is making a bed of thorns and when he returns to New York after he steps down and out of office, he will perhaps entertain a prejudice against Dakota.

In the meantime the hospital trustees continued to supervise the affairs at the hospital, and to make such improvements as were urgent, and, in fact, indispensable, and could be made under the law without requiring the plans to be submitted to and approved by the executive. This irritated the governor, who sent his attorney-general and public examiner to investigate the matter. These officials held a session at the Morrison House, Yankton, on the evening of Tuesday, September 29th, and summoned before them Messrs. Van Tassel, Lewis, Powers and Williams, members of the board.

This investigation brought out the information in an authentic form, that the trustees were engaged in building at the hospital a boiler-room, also were boring an artesian well, and were putting in an electric light plant. They had let contracts for this work without advertising for bids, to men who had agreed to take their chances for payment, if necessary, through an order from the next Legislature. The work properly came under the same law that authorized the construction of the wings, but this fund was not available, because of the refusal of the governor to approve the plans for that extension, and the board had deemed it absolutely necessary for the welfare of the patients, to make the improvements named. The work had been ordered by the vote of all the trustees, and on motion of Trustee Brown.

This investigation occurred on the night of the 27th. The governor was then at Mitchell, where he remained until the report of the investigators was given him, and from whence, on the 30th, he sent the following telegrams to Secretary Van Tassel:

Mitchell, Dak., September 30, 1887.

To Frank Van Tassel, Trustee, Yankton, Dakota.

You have been suspended from further performance of duty as trustee of the Dakota Hospital of the Insane, near Yankton.

LOUIS K. CHURCH,  
Governor, Dakota Territory.

And a second dispatch as follows:

Mitchell, Dak., September 30, 1887.

Frank Van Tassel, Secretary Board Trustees, Insane Hospital, Yankton, Dak.

Resignation of Trustees Lewis and Brown accepted. Trustees Frank Van Tassel, B. S. Williams and W. M. Powers, each suspended from further performance of duty as trustees of Dakota Hospital for the Insane, near Yankton.

LOUIS K. CHURCH,  
Governor, Dakota Territory.

The resignation of Messrs. Brown and Lewis were handed to the governor in May, and their acceptance at that time created two vacancies on the board. Some time prior to this the governor had stated, in an interview which was published in a St. Paul newspaper, that he would remove the trustees but he did not believe he had the power given him to do so. In the present case he is presumed to have acted in suspending the trustees under authority he may have assumed was given under the new law by which the office of public examiner was made.

Section 4. It shall be the duty of the said examiners to order and enforce a correct and, as far as practicable, a uniform system of bookkeeping by territorial and county treasurers and auditors so as to afford a suitable check upon their mutual action, and insure the thorough supervision and safety of the territorial and county funds. They shall have full authority to expose false and erroneous systems of accounting, and when necessary, instruct, or cause to be instructed, territorial and county officers in the proper mode of keeping the same. It shall be their duty to ascertain the character and financial standing of all present and proposed bondsmen of territorial and county officers, within their districts. Each examiner shall require of county treasurers within his district, from time to time, as often as he



shall deem necessary, a verified statement of the accounts, and he shall personally, or by duly appointed deputy, visit such officers without previous notice to such officers, at particular periods of at least once a year, at which time he shall, if requested by any such officer, examine the books, accounts and receipts of such officers, and make a thorough examination of the books, accounts and receipts of such officers, ascertaining in detail the various items and receipts and expenditures, and it shall be his duty to inspect and verify the character and amount of any and all commissions and charges paid by said officers in public account, and to ascertain the character and amount of any commissions, percentages or charges for services exacted by such officers without warrant of law. Each examiner shall report to the attorney-general the refusal or neglect of county officers to obey his instructions, and it shall be the duty of the said attorney-general to promptly take action to enforce compliance therewith. The said examiner shall report to the governor, the result of his examination, which shall be filed in the executive office, as well as any failure of duty by financial officers, as often as he thinks required by public interests, and the governor may cause the results of such examinations to be published, or, at his discretion, to take such action for the public security as the exigency demands, and if he should deem the public interests should require, he may suspend any such officer from further performance of duty until an examination be had or such security obtained as may be demanded for the prompt protection of the public funds.

Inasmuch as the law did not cover the office of trustees but was directed toward another class of officials, and there being no other law authorizing the governor to suspend the trustees indefinitely, the trustees of the insane hospital, having been legally advised thereto, declined to recognize the authority of the governor, and continued to administer their office as trustees.

About the 10th of October, the governor having concluded to bring the Yankton Hospital difficulty to a climax, appointed a new board of trustees of the hospital. Members Brown and Lewis having resigned the old board would have been reduced to three, and these three, Messrs. Van Tassel, Williams and Powers, acting under legal advice, declined to recognize the previous order of the governor suspending them and continued to act as trustees and were supported by the superintendent and the management of the hospital.

The new appointees of the governor were Col. L. O. Gale, a banker of Canton and a member of the governor's military staff; W. T. Quigley, Esq., an attorney of Turner County; Robert Cox, merchant; D. N. Gross, merchant; and M. T. Woolley, civil engineer, all of Yankton. Gale and Quigley were appointed in place of Brown and Lewis, resigned, and therefore became members of the regular board with Van Tassel, Williams and Powers, but did not meet with them. The new board also organized with four members, Mr. Gross declining to act, and the new board was therefore composed of Gale, president; Quigley, secretary; Cox and Woolley. In the meantime the territorial auditor, Ward, had been instructed by the governor to issue no more warrants on the vouchers of the old board. The new board, claiming their right to perform the duties of trustees, went forward and transacted some minor business matters, holding frequent meetings at the hospital. The matter had now assumed a condition so serious as to threaten the discontinuance of operating the institution, and under the stress of these difficulties, the old board, on the 17th day of October, began an action in the nature of *quo warranto* in the District Court of Yankton County, for the purpose of charging the new board with attempting to exercise an authority they did not lawfully possess, and requiring them to show by what title they had assumed pretended control of the hospital.

The new board had held one meeting at the hospital, elected a president and secretary. The superintendent was requested to present the vouchers for September which had already been passed and approved by the old board, thus, "Examined and approved, October 1, 1887, Wm. M. Powers, president board of trustees." Under this endorsement, by the advice of Attorney General Templeton who accompanied the new officials, was written, "Examined and approved October 14, 1887, F. A. Gale, president board of trustees." This was done in order to satisfy the territorial auditor, who in view of the *quo warranto* proceedings was willing to act upon the authority of either board, but required the approval of both. The new board also adopted the following resolutions:



Resolved, That the two wings and other improvements contemplated by Chapter 64, Laws of Dakota, be commenced and pushed to completion with all possible haste, and in pursuance thereof, be it further

Resolved, That this board immediately procure plans and specifications for said wings and improvements.

#### JUDGE TRIPP'S DECISION

The decision of Judge Tripp in this quo warranto proceeding was quite a long document, occupying about fourteen thousand words, disclosing a very thorough research of the authorities, the major portion being given to a discussion of the question of jurisdiction in the matter of removal from office—whether it came under the executive or judicial departments of government in our country.

The action, as stated by the judge, was in the nature of quo warranto, brought on the information of the district attorney of Yankton County, to oust the defendants, Robert Cox, Miles T. Woolley, W. Y. Quigley and F. H. Gale, from the office of trustees of the insane asylum at Yankton, D. T.

The defendants answered separately and the plaintiff demurred to the answers of defendants, Cox and Woolley, which raised the questions of law presented to the court for determination.

From the complaint and from the answers of the defendants, Cox and Woolley, which for the purposes of this hearing were admitted to be true, it appeared that B. S. Williams, Wm. M. Powers, Frank L. Van Tassel, Martin J. Lewis, and Chas. H. Brown, were during the last session of the Legislature of Dakota appointed trustees of said asylum by the governor, and they were duly confirmed by the Council, and that they duly qualified and entered upon the discharge of their duties on or about March 25, 1887.

That on or about September 30, 1887, said Lewis and Brown resigned, and the defendants, Gale and Quigley, were appointed by the governor to fill the vacancies. That on or about the 30th of September, 1887, while an examination was pending before the public examiner of the district embracing said asylum, the governor suspended said Williams, Powers and Van Tassel from further performance of their duties as trustees, thereafter, on the second day of November, 1887, upon the conclusion of such examination, he removed them from office and appointed in the place of said Williams and Powers, the defendants, Cox and Woolley. The question of law raised by the demurrers may be divided into two propositions:

1. That there was no power in the governor to remove the trustees, Williams, Powers and Van Tassel.

2. That if he had no power to remove them, he had no power to appoint the defendants, Cox and Woolley, without the advice and consent of the Council.

The first proposition, to-wit: That the governor had no power to remove these trustees, the plaintiff bases upon two grounds:

1. That under our organic law the power of removal is judicial and not executive, and that the Legislature could not authorize the governor to exercise such power.

2. That the Legislature had not authorized the exercise of such power, and that its acts do not admit of such construction.

The judge then proceeded with the discussion of the question whether the power of removal under our organic law was judicial or executive, and devoted a large part of the decision to an examination of that difficult problem, arriving at the conclusion that it was executive, and that the governor was authorized, under the law, to remove all officers appointed by the governor under the laws of the territory, and to appoint their successors.

#### INSANE HOSPITAL AS A PARTY QUESTION

Regarding the widespread attention the insane hospital matter was receiving, and its importance as affecting the fortunes of politics, the Jamestown Capital, possibly the ablest of the democratic newspapers in the territory, repudiated the

responsibility of the democratic party for the inexcusable delay in constructing the extensions provided for by the Legislature, and remarked at the close of an article deploring the injury the party had suffered by injudicious leadership, thus:

As it is, the railroad tax, the public building, insurance deal, and the Yankton Insane Asylum of structure, only to say the least, charged against the democratic party by the republicans. But we repudiate the charge in advance. The democratic party of this territory is not responsible for the administration of Governor Church any more than the republican party of this territory was responsible for the administration of Governor Ordway.

#### REMOVAL POWER OF GOVERNOR

The organic act declared that "whenever a vacancy occurs by resignation or death in any office which under the organic act is to be filled by the governor," then the governor shall make an appointment to last until the next meeting of the Legislature.

A case of this kind occurred in New Mexico Territory in 1885. Governor Ross was the executive. A disagreement occurred between himself and an appointed official and the governor attempted to remove him. The case found its way into the courts, and the latter decided not only that the governor could not remove the man, but that he could not do so and fill the vacancy, even if the law of the territory provided he might do it, as this would be in conflict with the organic act, which specified how and when a vacancy should exist, which was only by resignation or death.

Governor Ross thought this law ought to be changed, and addressed a letter to Governor Pierce, of Dakota, asking his co-operation in securing from Congress an amendment of the law which would enlarge the powers of the governors of territories in such cases. Governor Pierce relates that others joined him, and a bill was introduced in the House in 1886, which gave to the governors of territories greater powers. The bill failed to pass, however, indicating that Congress looked with disfavor upon its purpose.

It is evident, from the first interview Van Tassel had with Auditor Ward, that the primary purpose of the governor was to secure control of the management of the hospital for partizan purposes, and the subsequent proceedings were designed to furnish him a pretext for withholding his approval of the plans, expecting that his recalcitrant trustees would either agree to the change, or resign their offices, and permit the governor to appoint a new board.

In connection with this controversy the board of trustees published a complete list of the vouchers for Cobby's transactions, giving the items for every dollar that he had expended, amounting to \$24,750. And accompanying this list was the list of the experts employed by the public examiner, to go over the improvements made under Trustee Cobby's supervision under the former board, for the purpose of discovering whether he had been over extravagant in his expenditures. The list furnished by the experts claimed that about four thousand dollars more than a reasonable price had been paid by Cobby and approved by the board, citing numerous items where the cost was, in their opinion, excessive.

It was on this showing of the old board's administration that the governor based his charge of misfeasance, or neglect of duty, against the new board.

As regards the findings of the experts there could be two opinions:

First, that the experts were employed, virtually, to find instances of extravagance. They knew the motive that led to their employment, and were expected to find how cheaply the work could have been done for. This they could have done without designing to wrong anyone, though probably had been informed before entering upon their investigation the amount which the several improvements cost as returned by Mr. Cobby.

It was discovered after the figures were made public that an important error had occurred in footing up the figures furnished by the experts, which reduced

the differences between Cobby's list and that of the experts nearly two thousand dollars, and it was also discovered that the experts had entirely overlooked other items, amounting in the aggregate to about four hundred dollars, from which it may be inferred that the experts had also been guilty of misfeasance. Cobby's entire list of expenditures was made public, and was gone over, according to their report by the experts, but only a small portion of the items were found extravagant.

There were 131 items in Cobby's list, in twenty-four of which the experts found excessive charges as above. The experts also failed to include two cisterns at \$260.46, a bill for nursery stock, \$191.70, and cash on hand \$6, a total of \$458.16, which brought the total of the difference to less than twenty-one hundred dollars. The names of the experts who acted for the public examiner were C. McAllister and Charles Ackley.

This hospital controversy had now grown to be the "talk of the territory," the newspapers were discussing it, their comments as a rule being favorable to the trustees. The governor and the public examiner felt called upon to defend their course, and as the newspapers were largely against them, they had resort to the publication of a pamphlet as the best medium for placing their side of the unpleasant controversy before the people. The pamphlet was issued under the title: "Report of the Public Examiner, C. N. Harris, on the Examination of the Dakota Hospital for the Insane at Yankton, Made to Gov. L. K. Church."

#### REMOVAL OF OFFICERS

The difficulty formed a large part of the history of Dakota for the year 1887, and for the first time in the territorial career raised the question of the governor's authority to remove, at his discretion, territorial officers. Governor Church, himself, had stated that he had no such authority, but he finally concluded he would resort to it to accomplish his purpose of getting rid of a refractory board of trustees, and trust to the superior wisdom of the courts to overrule his preconceived opinion. It is at least a little remarkable that if the Legislature had believed the governor had the power to remove, that it did not include it in the public examiner law, in connection with suspension.

Governor Church's contest was simply a fight against Van Tassel. Had Van Tassel consented to the proposition made him by Auditor Ward as the governor's messenger to make the changes desired by the governor in the management of the institution, it is not probable that anything would have occurred to delay the approval of the plans, and the work would have gone forward. Van Tassel had been singularly efficient and diligent in his official duties, and no word of complaint was heard that the affairs of the institution were not under capable and honorable management, but he had dared to oppose the desire of the governor for a change in the officers of the institution, and that offense was one that Church, the governor and leader of the democratic party, could not condone without belittling himself, in his opinion, in the estimation of his political associates. The governor's pretext that he was afraid to trust the expenditure of the appropriation to the board as then constituted, with three democrats and two republicans, was effectually neutralized by the offer of Yankton citizens to put up a bond of \$100,000 to indemnify the territory against any loss occasioned by the maladministration of the board, and the further fact that the governor would have a constant acquaintance with every detail of the contracts and work as it progressed, is sufficient evidence that his avowed apprehensions regarding the capability and honesty of the board were not sincere, and led thousands of Dakotans to believe that the place that most needed a successor was the gubernatorial office of the territory. The governor had destroyed the confidence of the people in his official integrity, and thenceforth his official acts were regarded with suspicion.

Following Judge Tripp's decision the old board retired, and the new one took control. This board was made up of F. A. Gale, or L. O. Gale, president;



W. V. Quigley, secretary; M. L. Woolley, Robert Cox and Otto Pechmiller, and notwithstanding the desire of the governor for certain changes in the management of the institution, none were made until the following May, when Dr. R. L. Buchanan, of Parker, was appointed as superintendent in place of Dr. J. F. Cravens; Dr. A. N. Sisson, of Leupox, in place of Dr. H. F. Livingston, assistant superintendent, and Emil Mannum of Yankton, in place of Dr. J. A. Butler, steward. Mrs. Ruth Hughes of Mitchell was elected matron, in place of Mrs. Almy. The new appointees were all democrats, unless the matron could be excepted, and she was a relative of the Democratic politician at Yankton. Messrs. Cox and Woolley, of the board, voted against these changes and for the officers under the former board.

Governor Church's studied and persistent effort, as he alleged, to improve the administration of affairs by turning out the old board of trustees, and giving control to a new board was a most lamentable, costly, and, sad to relate, a tragic failure, culminating in the killing of two worthy citizens, the destruction of much property, and the loss of much valuable time in the construction of the buildings which the Legislature had provided for nearly two years before, and which had deprived scores of insane people of a refund and proper care and treatment for at least a twelve months. He had secured some worthy men on the new board, but they were handicapped in their work by the arrogant assumption of authority by Mr. Gale, the governor's favorite, whom they had elected president, and who, as it proved, was the least qualified of all the members to properly advise and direct the work of the board, which at this time was of the first importance. He was gay and giddy, assumed that he was not only the board, but the manager of the hospital as well. His course engendered division and serious strife in the councils of the board, and to such an extent was the prejudice felt that at the first annual meeting held in October, 1888, he was displaced, and Mr. Robert Cox made president.

The work of construction of the new buildings had proceeded through the summer, but had been hindered by divided councils, faulty material, inexperienced and ignorant supervision, the result of a favoritism that governed where much merit and knowledge of a technical sort was demanded.

In August an archway in one of the wings under construction went to pieces. No one was injured but it awakened an apprehension that like faults had been permitted in other portions of the structure, and on Monday, October 22d, this apprehension was abundantly and painfully verified. The heartrending accident occurred just as the workmen began work after dinner. Several brick arches upon the second floor of the northwest corner of the west wing fell in. Above these arches and about on a level with the third floor were three carpenters at work, and with them was the superintendent of construction. They were D. H. Kean, superintendent; Christopher Thompson, Jacob Lee and Michael Curry. These four were precipitated to the lower floor, and partially buried in the debris of brick, mortar and timbers. Christopher Thompson was taken out lifeless, a timber having fallen across his chest, crushing it in. Jacob Lee was found alive, but fatally injured, and expired within forty-eight hours after the accident. D. H. Kean was seriously injured. Michael Curry was considerably bruised and shocked, but was able to walk into the hospital. Mr. Thompson was a resident of Yankton and left a widow and two married daughters, Mrs. George Smith, of Pierre, and Mrs. George Hobson, of Yankton. Jacob Lee was a citizen of Yankton, with a wife and quite a large family of young children. Mr. Kean was a resident of Canton, and appointed upon the recommendation of Mr. Gale.

After the accident all the men employed on the construction of both wings abandoned work. These men complained that the walls were all weak, and consequently a constant menace to the workmen. It was obvious that there had been an impression in the minds of the workmen for some time that the buildings were not being properly constructed. At the time of the accident,



Thompson, Lee and Curry were standing on top of the large arch which first gave way. Lee noticed the arch spreading and called Kean from another part of the building to show him the fault. While the four were looking at the defect and commenting on its condition, it suddenly gave way with the terrible result above stated.

The old board had sent its plans and specifications for this work to Governor Church and he kept them, and so intense was his antipathy that he would not permit them to be used, but Mr. Gale was permitted to get new plans from an architect in Sioux City. The old board had employed Mr. Dow to make its plans. He was a very competent man, and had been making plans for public buildings of Dakota for a number of years, and had never failed to give satisfaction. The new board, or Mr. Gale perhaps, by request of the governor, steered clear of any connection with anybody or anything that savored of the old, and was resolved to show the people how badly they had been duped under the old order of things, and here in this awful calamity at the insane hospital was the result.

In describing the scene of the casualty it seems necessary to first give an idea of the general surroundings.

The insane hospital is a massive brick pile, several hundred feet long east and west and comparatively narrow north and south. Two additions to this main building were under construction, both of brick, resting upon a foundation of Sioux Falls stone. One of these additions was being attached to the extreme eastern end of the hospital, and the other addition to the western end. The additions were called the east wing and the west wing. The accident occurred in the east wing, on the east end of which a transverse wing was being built (the approved form of building insane hospitals).

This transverse wing when complete corresponds in number of stories, and in interior arrangement with the building it joins—all being designed for the habitation of insane patients. It was to be three stories high, accommodating three wards, and probably seventy patients each, if crowded.

In the northwest corner of this northwest wing, was the locality of the accident. The construction had reached the third story and a few feet above the floor.

The corner and adhering portions of the side and walls bulged outward, loosening some interior brick arches and precipitating them upon similar arches in the next story, thence to the first floor, carrying with them the unfortunate men, a distance of twenty feet, and literally burying them in the rubbish ruins.

The interior of the transverse wing, which is composed of three stories, consists in each story of a central corridor, fifty or sixty feet long, and about twelve or fourteen feet wide, surrounded by small rooms for the patients—each patient being allotted a room mainly as a sleeping apartment, as the patients are either at work or exercising outside when the weather permits, and when unable to be out of the corridor during the day. These small rooms were 8x10 feet in size, and 10 feet high. The ceiling of the corridor was formed by an arch of brick, and the ceiling of the rooms was a separate arch of brick for each room. These are the arches referred to as having given way when the wall crumbled and fell. This floor was a duplicate of the one beneath it, corridors and rooms being over and under each other, so that when these upper arches fell they struck a similar arch beneath and carried that down to the first floor. The partition walls were also of brick. In the early afternoon of the accident, Mr. Thompson, Mr. Kean and Mr. Lee were at work on top of the second tier of arched cells putting up window frames in the northwest corner for the third story. They were over the three first rooms on the northwest corner. Mr. Curry was passing along with a hod of brick, and he had stepped upon the fourth room when the crash came. The corner of the building bulged outward, loosening the first arch, and it fell. The partition wall below collapsed letting the second arch down, and in this way the other arches followed. It all occurred in thirty seconds. There were a number of witnesses to the disaster, but it came so abruptly that no attempt could be made to warn those imperiled. A score of workmen were engaged on the building, and all felt that the entire structure was doomed, and there was precipitate haste to get away from it, but no time was lost in rescuing the victims of the disaster from the tons of brick and mortar and timbers that had imprisoned them, one being killed outright and the other fatally injured. Before the dinner hour a dozen bricklayers had been withdrawn from work at the place where the accident occurred to give place to the carpenters who were setting the window frames. Probably seventy-five men were at work on the structure at the time, including convalescing patients.

There was urgent necessity for rapid work to get the large structure enclosed before freezing weather set in.

Faulty construction was alleged as the cause of the disaster. This appeared most plainly even to those not experienced in the building art. The small arches had no support. There was considerable public indignation felt toward the architect, the contractor and the superintendent of construction.

A coroner's jury was summoned by Coroner McGlumphy, consisting of J. C. McVay, L. M. Purdy, and J. M. Fogarty, and this body made a thorough inspection of the ruins, viewed the body of Mr. Thompson, and proceeded to take testimony. The architect, Charles P. Brown, was summoned from Sioux City and subjected to a rigid examination, concerning which the witness was unwilling to say anything for publication, believing himself lawfully bound to remain silent until after the jury had returned their verdict. But he declared, as the architect, that he felt perfectly safe so far as the plans were concerned, and he believed he had established that fact to the satisfaction of the jury. Mr. Brown said that "any man with the smallest amount of sense could tell at a glance, by viewing the ruins, what was wrong," but he refused to say what that "wrong" consisted of until the verdict was rendered.

Jacob Lee, suffering great pain, died two days after the accident. Mr. Thompson was a respected and active member of the Methodist Church.

The coroner's jury devoted about two weeks to their investigation, and did not give their findings to the public until the 12th of November. They listened to a great deal of testimony, expert and ordinary, and had a mass of documentary evidence to turn over to the prosecuting attorney with their verdict. Prior to rendering their verdict warrants were issued and the arrest of J. B. Pattee, the contractor, and D. H. Kean, the superintendent, were made, and the parties duly arraigned and admitted to bail.

The finding of the coroner's jury was made a part of the complaint to which the warrant to arrest was attached. The finding was a long document and that portion here given includes only their verdict concerning the direct cause of the disaster, and fixing the responsibility.

The verdict states that the jury viewed the bodies of C. N. Thompson and Jacob Lee, and upon inspection of the east wing of the insane hospital, found that the walls and arches had fallen, carrying the two men down in the wreck of brick and mortar, causing their death.

The jury found that the fallen arches had been constructed only from two and a half to four days prior to the accident. That the centers or supports to the arches were prematurely removed, in direct violation of the specifications. That the partition walls between the cells on which the arches rested were not properly bonded into the outer walls, according to the plans and specifications. That inexperienced workmen and boys were employed upon the work. That the arches were built with a turn or spring of from eleven to eighteen inches, in direct violation of the plans which call for a spring of from twenty-two to twenty-four inches. That no tie rods or anchors were put in the second and third stories north and south through the east wing to properly tie and support the arches and bind the outer walls, in direct violation of the plans and specifications. That the building was rendered unsafe and liable to fall at any time. That the mortar used was not of the proportions required by the specifications, though of fair quality; that the brick were not hard burned as required by the specifications.

The jury found that J. B. Pattee, of Canton, Dakota, was the contractor under whose direction the building was being constructed. That Mr. Pattee failed to provide and put in the rods and anchors. That he allowed the removal of centers from under the arches before the roof was closed in, in violation of the plans. That he failed to give the arches the required spring. That he failed to properly bond the walls. That he failed to construct the building in a substantial and workmanlike manner. That he proceeded carelessly and seemingly without regard to the plans and specifications.

The jury found that D. B. Kean, of Canton, Dakota, was duly appointed superintendent of construction. That it was his duty to see that the building was constructed in a good and workmanlike manner as required by the plans and specifications, to see that all the rods and anchors were placed in the walls and arches and that no centers were removed until their removal was allowable under the plans and specifications. That the material be of good quality and properly placed.

It was found that Mr. Kean changed or allowed to be changed, the spring of the arches. That he allowed the removal of centers from under the arches. That he allowed the omission of the rods and anchors. That he permitted careless construction of the building, especially in the omission of north and south tie-rods through the arches and walls.

The jury concludes:

We find that C. N. Thompson and Jacob Lee came to their death by the culpable negligence of J. B. Pattee, contractor, and D. H. Kean, superintendent, in constructing the east wing, including the walls and arches that fell October 22, 1888, of the Dakota Hospital for the Insane, near Yankton, Dak., in the violation of the contract and contrary to the plans and specifications.

#### KEAN AND PATTEE INDICTED

The grand jury of Yankton County at the November term, 1888, returned indictments against Daniel H. Kean and John B. Pattee, charging them with manslaughter in the second degree, the alleged crime growing out of the killing of C. N. Thompson and Jacob Lee, by the falling of walls and arches in the east wing of the insane hospital on the 22d of October, Kean being superintendent of construction and Pattee contractor. The indictment recited:

That Daniel H. Kean is engaged in erecting two wings to the Hospital for the Insane in Yankton County, in capacity of superintendent of construction, having entire care, charge, control and supervision of the same. As such superintendent, it was his duty to cause the walls and arches of the building to be properly bonded and to cause all arches to be laid over centers, and to cause such centers to remain in position until each succeeding story was completed and the roof covered in, and to cause all the work to be firmly embedded in mortar, and thoroughly bonded together throughout.

(The details of proper and safe construction were also recited.)

And the said Daniel H. Kean, well knowing the premises, but being wholly unmindful and neglectful of his duty in that behalf, did feloniously and wilfully neglect and omit to cause the walls of said building to be properly bonded and solidly put together, and did feloniously and wilfully neglect and omit to cause all cell arches to be laid over centers and cause such centers to remain in position as required.

In consequence of this culpable negligence, a portion of the east wing fell, causing the death of Christopher N. Thompson. For acts of neglect and omission, Daniel H. Kean is indicted for manslaughter in the second degree.

The indictment against John B. Pattee was nearly identical in form and substance with the Kean indictment. The parties were arraigned, waived examination, and were admitted to bail, for their appearance at the spring term of the District Court, in the sum of \$5,000.



## CHAPTER XCIX

### DAKOTA FARMERS' ALLIANCE

1887

GREAT NORTHERN RAILWAY—ILLINOIS CENTRAL RAILWAY—FORTHILLING BOUNTY—HARVEST—EXTERMINATING BUFFALO—GROWTH OF CATHOLIC CHURCH AND INSTITUTIONS—SEVENTH DAY ADVENTISTS—CENTENNIAL OF THE ADOPTION OF THE AMERICAN CONSTITUTION—DAKOTA FARMERS' ALLIANCE—NATURAL GAS—NAVIGATION OF THE JAMES RIVER—BANKERS' CONVENTION AND PHARMACISTS' ASSOCIATION—PRECIOUS METALS IN THE BLACK HILLS—CROPS—TIN DEPOSITS IN THE BLACK HILLS.

#### GREAT NORTHERN RAILWAY TO THE PACIFIC

In 1887, the Great Northern Railway, then called the Manitoba, was being constructed west of Minot, in Ward County, and the design was to complete the line for a distance of 550 miles to the Great Falls of the Missouri, in Montana, during the year. For that purpose unprecedented preparations had been made and every device utilized that would promote progress. The world was to witness an achievement in railway construction that would surpass all precedents. For this purpose there had been accumulated at Minot, probably the largest quantity of construction material ever assembled at one point. It consisted of vast piles of steel rails, spikes, ties, timber, and piling, covering an area of forty acres. The work of construction was begun April 1st. The grading had been finished twenty seven miles west of Minot in the fall of 1886, and partly finished for ninety two miles. The track laying was begun at Minot in a small way on the 2d of April, but operations on a scale gigantic and novel did not begin until early in May, when was inaugurated a system of railroad building unprecedented for speed in any part of the world. The track was being put down at the rate of about four miles a day, which it was claimed was the most work of railway construction ever witnessed on this continent or any other. The contractors were Shepard, Winson & Co., who had previously won distinction for rapid work of this character but they were now eclipsing their former triumphs. In their employ were 3,300 teams and about seven thousand men on this work alone, and while their trackmen were putting down the superstructure of rails, a veritable army ahead were cutting the way through hills and leveling valleys and preparing the grade with equal rapidity. The superintendent of this colossal industry was a marvel for system. His name was Egan, and he had planned to reach the Great Falls of the Missouri by the 1st of September.

The railway was practically completed from Minot to Fort Buford about the 1st of July, 1887. As Fort Buford was the extreme western station on the line within the Territory of Dakota, it may be said that the road was completed across Dakota at the date named, as Buford is within a dozen miles of the rough meridian of longitude which was the western boundary of Dakota. Between Minot and Buford the track laying had progressed at an average of 4½ miles a day, but this record breaking speed was to be "thrown completely in the shade" by the world-famous performance of the same army of men and teams in the progress of the line through to the Great Falls of the Missouri.



The rapidity which had marked the construction of the Pacific coast line of the Manitoba during 1887 attracted the attention and admiration of the railroad people of the entire country. It was setting up new records. On Saturday, July 16th, its trackmen laid  $7 \frac{2}{10}$  miles of track, which eclipsed any prior performance in this branch, and on Tuesday, August 11th, this was surpassed, and  $8 \frac{2}{10}$  miles were laid from one end. The Canadian Pacific record of 6.38 miles had held first place up to this date. This fast work was done in the Milk River Valley, between Fort Buford and Fort Belknap.

The Duluth and Denver Railway, a subordinate of the Manitoba or Great Northern was completed to Watertown, and graded as far as Huron, in 1887. This line was projected across the territory nearly, and designed to cross the Missouri River at Wheeler, Charles Mix County. A bill was pending in Congress granting to the company a franchise to bridge the river at Wheeler. It was then expected to push the work and complete it before the close of another season.

James J. Hill, of Minnesota, though connected with the transportation interests of Minnesota and Dakota for some time as the president of the St. Paul, Minneapolis and Manitoba Railway Company, popularly known as the Manitoba, was beginning to take his rightful place as the leader of railway enterprise in the Northwest in 1887. The great achievement of building the 750 miles of road from Minot, North Dakota to the Great Falls of the Missouri, established a new world's record, but more than this it was regarded as a most daring enterprise considering the sparse population of the region penetrated and the meagre development of its resources. The Grand Forks Plaindealer said of him at this time, 1887:

The future of the Manitoba system can be more readily guessed at than figured out. One thing is certain, however, that if nothing happens to its present management, it will be one of the largest transportation systems in the world. One cannot read daily of the vast enterprises that President Hill not only conceives but carries out in such an incredibly short space of time without paying him the deserved tribute of being one of the leaders of the transportation interests of the United States and the most prominent among them.

The title of the company was changed to "Great Northern" a few years later, and under that title both Mr. Hill and his Great Northern system have won world wide honorable mention.

In February, 1887, a railroad organization was formed at Yankton having for its object the building of a railroad from Sioux Falls to Yankton, under the title of the Yankton, Sioux Falls and Nebraska Railroad Company, which company designed to co-operate with the Manitoba (Great Northern), in the extension from Sioux Falls of its Duluth and Denver line, then approaching Sioux Falls by way of Willmar, Minn. The following board of directors was elected: S. B. Coulson, Geo. R. Scougal, J. C. McVay, C. J. B. Harris, H. J. Campbell, A. Adler, W. S. Bowen, J. R. Hanson, W. M. Powers, L. M. Purdy, of Yankton, and Henry T. Corson, T. H. Fairfax, and W. W. Brookings, of Sioux Falls. The officers chosen were J. C. McVay, president; C. J. B. Harris, secretary, and George R. Scougal, treasurer. The outcome of this organization was the extension of the Manitoba, later known as the Great Northern from Sioux Falls to Yankton, during the year 1888. The extension into and through Nebraska, from Yankton, has not yet been made, though a grade has been built from Yankton to Norfolk, Neb.

The Great Northern surveyors reached Sioux Falls in June, 1887, and spent several days in studying the lay of the land and water for the purpose of selecting the best and most practicable line after reaching the territory contiguous to the city. Sioux Falls was so environed with river, hills and valley, that the selection of a practicable railway route was a problem requiring more than ordinary study and skill.

The grading of the line from Willmar had been delayed to await the completion of the grading on the Montana main line of that company which had been

under way during the entire season. A large number of the workmen there engaged were released about the first of August, and this force was sent to the Sioux Falls extension. Sioux Falls gave the Manitoba \$30,000 and right of way as a bonus for extending its Duluth and Denver line to that city in 1887.

The survey for the Manitoba from Sioux Falls to Yankton was completed in the winter of 1887-88, and the road was built during the ensuing summer and fall. The winter had been particularly severe on railroads operating in Dakota, and nearly all of them were blockaded a good portion of the time with snow and ice.

#### ILLINOIS CENTRAL TO SIOUX FALLS

Up to the spring of 1887 the Illinois Central Railroad had been operated through Iowa on leased lines owned by the Iowa Falls & Sioux City Railroad Company, and the older Dubuque and Pacific or Sioux City Railway Company. In that year the Central Company purchased the property, and soon thereafter began developing its plans for improving its line and extending it into new territory. The extension from Cherokee to Sioux Falls was one of the extensions decided upon, another went southwest to Omaha, and a third, or central extension, continued the main line west from LeMars, crossed the Big Sioux River near the mouth of Brule Creek, at Richland, thence through Union, Clay and Yankton counties to the Missouri River at Yankton.

Superintendent Gilleas visited Sioux Falls early in June, and stated that the work on the survey of the line to that point had been started, and the company's plans were to push the work to completion, unless unforeseen difficulties were met with.

At a citizen's meeting held in Sioux Falls, July 14th, Superintendent Gilleas and Mr. Knight, representing the Illinois Central Railroad Company were present and Mr. Knight, after stating the object of the meeting, said that Superintendent Gilleas and himself came to Sioux Falls with a definite proposition, namely:

The Illinois Central Railroad Company agrees to let its grading contracts within twenty days from this meeting, and to complete and have in operation by the first of December, if the weather is favorable, and if not, at the outside by the first of July next, a line of railroad from Cherokee, Iowa, to Sioux Falls, Dak. Provided, that Sioux Falls donate to said company the depot grounds, room for stock yards, and the right of way through the city. The depot grounds were located north from Eighth Street between the Omaha track and the river, a plat of ground 2,000 feet long by 300 feet wide; also the right of way to the packing house, mills, brewery, and polishing works.

On motion of Harry Corson the proposition was accepted.

Following this meeting, Mr. E. A. Sherman devoted two days to securing a popular subscription of \$42,500, the land the Central Company demanded having been estimated to cost \$40,000. This information being telegraphed to the superintendent, he let the contracts for grading and this work began within a week after the meeting.

Later in the same month a large party of surveyors and their helpers began work at Yankton and made a preliminary survey eastward, crossing James River near the Northwestern bridge and crossing to the south of the Northwestern after leaving the James. This party was in charge of D. C. Rice, chief engineer, and their orders were to run a line to Richland on the Big Sioux, at which point they were expecting to meet one or two parties of surveyors who were then engaged in finding a way from LeMars to Richland, the greater difficulty apparently being in finding a practicable route through the Broken Kettle country. Mr. Rice, in charge, had run the preliminary line from Cherokee to Sioux Falls, and it was definitely settled that that line would be built, but the Yankton line, although the survey had been ordered by the company, depended upon the further action of the directors. It was held that the present prospect of business would not justify the building of the Yankton extension, but it was asserted

that it was the intention of the company to extend this line to the Black Hills just as soon as the Sioux Reservation was opened, an event that though long delayed promised fruition during the present year or very early in 1888.

The preliminary line was run on over the Missouri bottom lands parallel with the Northwestern track, bearing south before Volin was reached and following the bottom six or seven miles, ascended the highlands by an easy grade not far from Meckling.

About the first of July a delegation of Illinois Central officials visited Yankton for the purpose of getting acquainted with the people, learning something of the country and its resources. This party included Horace Tucker, general freight agent, M. Gilneas, superintendent of the road west of Dubuque; W. J. Jeffrey, general traveling freight agent and brother of the general manager; D. C. Rice, engineer in charge of Dakota extensions. Mr. George R. Freeman, of Elk Point, was with the party, being deeply interested in the success of the enterprise, and had already rendered a valuable aid in securing a practicable route from the Big Sioux to LeMars. This party had come to Yankton for the purpose of following the proposed survey for the Illinois Central back from Yankton to LeMars, and also to let it be understood that the company expected that Yankton, Richland, Akron, and LeMars would secure the right of way for the extension.

Superintendent Gilneas stated that the company had been delayed in arranging for the Sioux Falls and also the Onawa line, but that work was now provided for, and they would now take up the Yankton and LeMars. Two surveys had been run from LeMars to the Big Sioux, a difficult country to build railways through, but finally Geo. R. Freeman, of Elk Point, had directed the surveys over a route that was entirely satisfactory.

The Fargo & Northern Railway Company held its annual meeting in July, 1887, at Fargo. Charles Sweatt, R. S. Tyler, W. B. Douglas, O. W. Francis, George R. Freeman, C. T. Clement, Terence Martin, S. E. Roberts, and T. E. Yerxa were elected directors. The directors selected Sweatt, president; R. S. Tyler, vice president; W. B. Douglas, secretary; F. W. Parrott, treasurer.

#### MISSOURI RIVER IMPROVEMENT

In August, 1887, Captain Sears, in charge of the Upper Missouri and Yellowstone River improvement work, the Upper Missouri including all above Sioux City, gave out the following official opinion:

I see no use in spending any great amount of money in improving the Upper Missouri. There is another view of the matter, however, that may commend itself as an affair of wise policy. As long as there is, during the season of navigation, a good, permanent channel from the Mississippi Valley into the heart of Montana, so long will the public be benefited by lower freight rates on competing railroads. The channel may never be used, but its existence, ready for use, will act powerfully as a check on extortionate freight rates.

In his report he recommended an appropriation by Congress of \$160,000.

#### FORETELLING A BOUNTIFUL HARVEST

The farms produced abundantly in 1887, and the aggregate yield of all the staple grains added greatly to Dakota's reputation as a food producing region. There had been an abundance of moisture during the growing season and it had been, as a rule, seasonable so far as crop conditions were concerned. In this connection a somewhat remarkable prediction, pronounced by the Press and Dakotan newspaper during the month of February may be reproduced here because of its value in pointing out a "forecast" by which the farming community may with safety be governed in making their preparations for farm work as the planting season approaches.



The farmers and people of the territory will remember that the winter of 1886-87 had been one of abundant snows, unusually cold, and the breakup of the Missouri in the spring of 1887 was marked by serious freshets. In February, as before stated, the Press and Dakotan said:

We can say, with full confidence in the prediction, that the rains of 1886-87 and the year give their maximum yield of crops of all kinds. It comes as a tradition from the former Indian occupants of this land, and has been demonstrated in the experience of the settlers from the opening of civilization here that a winter which fills the mountains with snow is followed by a summer of abundant rains. Evaporation from the mountain region supplies the foothills and the plains with moisture. The present winter has filled the mountain reservoirs with material for profuse evaporation. This supply is not exhausted by the first touch of summer, but is held in store to be drawn upon in response to the demand of the producing sections. The lower levels give us the spring floods, saturating soil and atmosphere with moisture for the seed-time. Higher altitudes yield later in the season to the influence of solar heat, and produce what is known in Missouri River parlance as the June rise, which lasts into July in good growing seasons. After this the sun climbs the mountain sides, slowly releasing the moisture there concealed, transforming it into vapor and sending it off over the plains country to descend again upon the maturing crops and effect the fullest development.

So it happens that when the mountains are covered from base to apex with the wintry deposit, and the foothills and plains lie buried in snow, the conditions for a growing summer are all fulfilled and farmers may plant with full confidence in an abundant harvest.

The farmer in Dakota can accurately forecast the conditions of a coming growing season by taking into account the mountain conditions at this season (February) of the year. The mountains are now laden with snow and ice and the plains of the river slope are buried. The Missouri River is certain to have a heavy spring flood and an extensive June rise. From the same sources which are to produce this flood and this rise we are to be favored with abundant rains during the period of summer disintegration and consequently evaporation. These signs have never failed.

This favorable result of farming operations in Dakota in 1887 was given prominence and was also considered remarkable because of the partial failure of crops in nearby states, indicating that our Indian tradition and the observation of our "weather prophets" through a series of years may be safely applied only to the Territory of Dakota, north and south. That the rainfall in the plains country, due to abundant snows in the mountain region west, is not a reliable asset east of longitude 96 west from Greenwich.

#### EXTERMINATION OF THE BUFFALO

Regarding the brief period of time that elapsed when it was known that vast herds of the American bison, numbering millions, covered the plains of the Northwest, and the almost complete extermination of the animal, a great deal was said and printed about the methods of their sudden destruction. That they were practically a stranger to the vast feeding grounds of the Northwest which they had occupied for many centuries, furnishing to the moderate demands of the Indians, for food and clothing, and for barter, an adequate supply without making any noticeable decrease in their numbers which were annually augmented by many thousands of young stock. But it seemed that their destruction came suddenly, almost within a year, not without warning, for the Indians and military men of the plains had foretold what would occur unless a stop was put to building railroads through the buffalo country, and unless some way was found by which their wanton slaughter by hunters and emigrating colonies could be prevented. But the herds were observed covering their pastures and swimming the broad rivers in 1886 and were nowhere to be seen or found in 1887 except a few straggling animals that had escaped the avaricious and infamous slaughter of the preceding year. Their practical extermination, however, would have been inevitable, had it been brought about by more humane methods. Their feeding grounds were being rapidly occupied by the aggressive pioneers who were every month advancing the standard of civilization over the plains of the "great American desert," and who with the Indians, would have made a com-



mendable and essential use of the food and raiment material which the animal could supply.

Colonel Dodge, who was the chief engineer of the Union Pacific Railway, gathered valuable statistics regarding the wholesale slaughter of these animals which followed the extension of railways across the great plains west of the Missouri and in Texas. He states that the building of the Union Pacific Railway in 1886-87, from Omaha to Cheyenne (which at that time was in the Territory of Dakota) cut through the center of the great buffalo range, and from the railway the hunters swarmed north and south, slaying as they went. Here the main herd was cut in twain, never to be reunited.

The staked plain of Texas presently became the geographical center of the southern herd, and Glendive, Mont., that of the northern. In a short time the building of the Atchison, Topeka & Santa Fe Railway, and the Kansas Pacific to Pueblo, Colo., opened up all parts of the southern buffalo country, and in 1879 there came a demand for buffalo robes that proved fatal to the species. The war of extermination began. The years 1882, 1883 and 1884 saw the slaughter of nearly four and a half million in the southern range. This great herd was slaughtered out of existence in about three years time. The market became overstocked with hides and buffalo bull robes sold as low as \$1.35 each, and the cows were slaughtered for skins that were worth only the paltry sum of 65 cents. And there were hundreds of thousands of animals that were heartlessly slain for their tongues or their humps, or for no purpose except to furnish sport for the hunter. The colonel stated that "never in the history of the animal kingdom had there been such another bloody and cruel carnage, or one that yielded so little in proportion to the total value involved."

In 1876 the northern herd was much larger than the southern, and covered twenty times as much territory. It was estimated by the buffalo hunters that the herd numbered over a million within the Miles City buffalo district.

The Northern Pacific was opened for traffic from Glendive eastward in 1881. Buffalo hides were thereafter shipped eastward by this railway and by the steamboats by tens of thousands until 1885, when the work of extermination was practically finished. The following year not a fresh hide was in the market. The buffalo were gone forever, not only from the United States, but from the British possessions as well. In 1886 the largest fur house in Montreal asked from \$30 to \$40 each for robes, and some of the leading furriers of New York had none at all.

Thus ended the career of "bos Americanus," an animal that had contributed much of priceless value to promote the subjection of the country to the purposes of a civilized race, and in return had been rewarded by a merciless extermination.

Verily, civilization smote the hand that had been her mainstay through all her pioneer pilgrimage.

#### GROWTH OF CATHOLIC CHURCHES, SCHOOLS AND INSTITUTIONS

The growth of the Catholic religious and educational institutions in Dakota had been a matter of some discussion early in 1887, and a census of the number of Catholic institutions of various kinds, including church edifices that had been added since the beginning of the year 1880, when the Federal census was taken, was made and given out in February, 1887, showing that the growth of that religious denomination had kept pace with the unprecedented growth of the territory generally during the interval of six years which included the period which must ever be known as marking the most remarkable movement of immigration from the East to the West, in the entire history of our country. In 1877, ten years previously, Dakota had but three Catholic priests and small congregations. In 1880, Right Rev. Martin Marty was consecrated bishop and appointed vicar apostolic in and for the Territory of Dakota. At that time Dakota contained about eight thousand or nine thousand Catholics, and had,

estimated, a dozen priests and churches and chapels. With the beginning of 1887 it had one bishop, Rt. Rev. M. Marty, one year general, Very Rev. George L. Willard, headquarters at Yankton, 125 churches, 82 chapels, nine missions celebrated at least as often as once a month, 75 stations with an American chapel, visited occasionally, 4 academies, 22 parochial schools, 2000 Catholic students for the priesthood, and a Catholic population of over 50,000. Bishop Marty was a remarkably aggressive and enterprising man in the field and in the position he occupied. He was born in Switzerland, was appointed abbot of the Benedictine Monastery, at Munsrad, Ind.; later he was transferred to Standing Rock Agency, Dakota, as an Indian missionary; was appointed vicar apostolic of Dakota Territory; was made bishop of Dakota Territory, August 9, 1879. He conducted an Indian school at the Standing Rock Agency after the Indians had taken up the avocations of a peaceful life. He visited the rebellious Sitting Bull a few years after the Custer massacre. The great chieftain had taken refuge in British America, and claimed protection of the British Government. It was presumed that the reverend prelate desired to induce Sitting Bull to return to his people and share the beneficence of the Government that had been provided for his race, but Sitting Bull demurred, and suspecting the bishop, who was accompanied by a military officer, denounced him as a spy, and he would probably have been killed had not some friendly half-breeds assisted both the visitors to escape.

Father Marty died in St. Cloud, Minn., in 1896. He was succeeded by Bishop O'Gorman. The eminence west of Yankton, upon which the hospital of the Sacred Heart, built by the Benedictine Sisterhood, has been founded, was named Mount Marty in memory of the bishop. But late in territorial years the mount had been occupied by an Indian school established by Bishop Marty, which was followed by the erection of a large brick edifice by the Benedictine Sisters, and a seminary for young women conducted there. This structure was subsequently converted into the hospital by the Benedictine Sisterhood.

The Roman Catholic See for the Territory of Dakota, which had been located at Yankton from the first establishment of the church in Dakota, was removed to Sioux Falls by the church authorities in 1889, and a fine diocesan residence erected for the bishop. Yankton made pardonable efforts to retain it, but Sioux Falls was the principal commercial town in the territory, and presented inducements that outweighed the personal preferences of the excellent bishop.

#### SEVENTH DAY ADVENTISTS

The Seventh Day Adventists had gained a strong foothold in Dakota when in June, 1887, they held a camp fire reunion and gospel anniversary near Mitchell which was numerously attended. Their denomination had been represented in the territory from the earliest time, and some of its adherents were members of the Dakota Cavalry during the Civil war and were esteemed as efficient soldiers. Their encampment at Mitchell was quite attractive. At the entrance to the grounds stood a superb pavilion, 60 by 100 feet, displaying from its flag-staff two banners, on which were inscribed, respectively, the following: "What is Truth?" and "Thy Word is Truth." In the rear of this pavilion were the residence tents, and still further in the rear, on either side, were two forty-foot tents set apart for religious services in the German and Danish languages. The floral hall came next, a picture of rare beauty, then a commodious rest for children's meetings. Floral hall was a frame structure, two stories, and quite commodious. A dining hall was found on its upper floor, and the secretary's office was there, and family groceries were also sold to the tent-dwellers. The origin of the Christian denomination was of modern date, say about a half a century earlier. It had already grown to number about three hundred and seventy thousand and its membership had come largely not from other sectarian denominations, but from that class that had not been admitted to membership with

any of the church denominations. At this meeting it was claimed in one of the addresses its followers numbered over 300,000, that they had 800 churches and 400 ministers. The disparity between the number of churches and ministers was due to the fact that not all their church congregations occupied special houses of worship, some meeting in private dwellings, nor were all supplied with ordained ministers. They had a large number of evangelists called mission workers. Their growth had been encouraging and they had gained a substantial foothold.

While confidently believing that prophecy can be understood and is nearing the time of its fulfillment, they repudiate the occasional time setting announcements that appear in the public prints announcing the day when the second advent will occur. They are not responsible for these proclamations, and make no pretense of knowledge concerning it except that which is revealed in holy scripture.

Their creed and organization are simple and effective. The Bible constitutes their only creed, and their only bond of union a covenant to keep the commandments of God and faith in Jesus Christ. The officers or official representatives are elders, deacons, and clerks. Their ministers are principally evangelists, and are styled elders instead of reverends, as being more in accord with holy writ. They acknowledge the ten commandments as of supreme authority, and as a consequence observe the seventh day, or Saturday, as the Sabbath. They insist upon conversion, and adopt immersion as the only true baptism. They maintain that life and immortality are the gifts of God through Christ, and that the finally impenitent will perish by being consumed in the fires as stated in the Bible, after which the earth is to be renewed and become the eternal home of the saved.

Their church associations are formed into state conferences, and these state conferences, embracing a number in Europe, are again combined in a general conference having the oversight of their work throughout the world. Their conferences already numbered twenty-eight, with missions in Switzerland, Germany, Scotland, England, Norway, Sweden, Denmark, France, Italy, Russia, South Africa, Australia and New Zealand. They had seven publishing houses, three of which were in America, and one each in England, Switzerland, Norway and Australia, with a combined capital of \$500,000. They were publishing twenty-two periodicals in eight different languages, the combined monthly circulation of which was more than a quarter of a million.

This conference at Mitchell was attended by a large concourse, but some had doubtless come as onlookers. A more intelligent and decorous assemblage, one seldom attends. All seemed to have obeyed the mandate, "Study the Scriptures, or search the Scriptures, for in them ye believe ye have eternal life."

The meeting at Mitchell was one of fifty or more that were now in session, or would be held in different states during the summer. These conferences were considered of the first importance to the members, and were attended by a number of the ablest elders of the denomination from abroad. Elders E. H. Farnsworth, of Iowa; G. H. Unny and S. Johnson, of Minnesota, and H. Shultz, of Nebraska, were present at this Dakota conference, beside the ministers or deacons from Dakota, among whom were A. D. Olsen, of Mitchell; G. H. Smith, of Aberdeen; S. H. Ells, of Iroquois; J. C. Mikkleson, of Milbank; Jacob Reiswig, of Milltown; and S. B. Whitney, of Bridgewater.

These people were well in the advance as advocates of education, and already had a number of colleges and academies established which were represented to be in a flourishing condition. They are also ardent temperance workers, apparently founding their faith upon the abstinence of the famous Rechabites that are mentioned in the 35th chapter of Jeremiah. They are also uncompromisingly opposed to many other hurtful and popular indulgences. With their temperance work they connect hygiene generally, the principles of which are at the foundation and are enforced in their sanitarium at Battle Creek, Mich., which is managed by Dr. J. H. Kellogg, a physician and scientist of favorable reputation. They have also a similar institution on the Pacific coast.



The important and current business of this conference was in charge of a number of committees. On nominations, M. Stenien, J. A. Orlila, C. Kerswig. On resolutions, Elder G. H. Smith, Elder R. M. Kilgon, Prof. W. W. Prescott. On credentials of ministers, S. B. Whitney, Elder J. Kerswig, J. J. Deschamps. New churches were admitted from Ellsworth, Cresbard, Huron, Watertown, Lakeside, and Rapid City.

One of the topics for an evening discourse was a sermon favoring an amendment to the Constitution of the United States which will place all Christian laws, institutions and usages of our Government and people upon an undeniable legal basis in the fundamental law of the land.

#### CENTENNIAL ANNIVERSARY OF CONSTITUTION OF THE UNITED STATES

The convention that framed the Constitution of the United States, which met at Philadelphia, of which George Washington was president, and William Jackson secretary, finished its arduous and important labors and signed the Constitution on the 17th of September, A. D. 1787. The 100th anniversary of the great event occurred September 17, 1887, and a celebration commemorative thereof was held at Philadelphia on that date. Hon. John T. Kasson, an Iowa statesman of national renown, was president of the formal exercises. President Cleveland and ex-President Hayes participated, together with committees of Congress, the Supreme Court, the army and navy, all the state governors, and scores of ambassadors and special envoys from foreign capitals.

The Constitution framed by Washington and his compeers was submitted for adoption or rejection to a vote of the state governments. There were thirteen sovereign states at this time and a population in all of about four million. The names of the states were Virginia, New Hampshire, New York, Connecticut, Massachusetts, New Jersey, Pennsylvania, Delaware, Maryland, North Carolina, South Carolina, Georgia. Rhode Island was the thirteenth, but was not represented among the signers to the Constitution. It required the affirmative vote of nine of the states to ratify the instrument and make it the fundamental law of the land. The convention proceedings had been marked by acrimony, and agreements were in many instances, reached by compromises. It was a succession of compromises, the important issues being what power to give to the Federal Government, and second, slavery and the slave trade. All sovereign power not given to the National Government was reserved to the states and the people. When the grand charter was completed and signed by the delegates, few of those who had participated expressed entire satisfaction. Benjamin Franklin said he had expected no better, and was not sure it was not the best. John Randolph said that "nine states would never ratify." (It required a three fourths vote of the states.) Ellbridge Gerry feared a civil war. George Washington was the first to sign. As he did so, he held up the pen and said, "Should the states reject this excellent constitution the probability is that opportunity will never again offer to cancel another in peace. The next will be drawn in blood."

The Constitution, though finally ratified, many months of effort and anxiety were consumed before this was accomplished. Washington was inaugurated the first President under it, in April, 1789, at New York, the seat of Government.

Dakota does not appear to have observed this occasion in any formal or public manner, being possibly too intently occupied at the time in trying to get into the Union of States which were formed under this "excellent Constitution."

#### DAKOTA FARMERS' ALLIANCE

The executive committee of the Dakota Territorial Farmers' Alliance met at Huron on the 20th of July, 1887, for a two days session. Representatives were present from nearly every county in the territory. H. L. Loucks presided. It



was decided to incorporate the alliance with a capital stock of \$200,000, for the purpose of transacting such business as the purchasing of such articles as they may deem advisable for the interest of the producer, for the borrowing and loaning of money to the members of the alliance, on chattels and real estate, at greatly reduced rates of interest. The following board of directors was elected to serve until the first annual meeting in January, 1888.

H. L. Loucks, Clear Lake; T. B. Fancher, Jamestown; J. W. Harden, Starkey; C. A. Soderburg, Hartford; Z. D. Scott, Milbank; A. D. Chase, Watertown; Alonzo Wardell, Tin Brooks; J. B. Wolgemuth, Aberdeen; D. C. Needham, Crow Lake; Hon. Geo. G. Crose, Bramhill; D. W. Sprague, Portland.

These directors then elected the following officers: President, Geo. G. Crose; vice president, D. S. Dodds; secretary, Don C. Needham; treasurer, D. W. Sprague.

Aberdeen was selected as the home office of the organization.

It was decided to organize a fire and cyclone insurance department in connection with the hail department already being worked. Several thousand dollars was subscribed to the capital stock, and it was resolved to organize the entire territory into subordinate alliances. It was shown that through the territorial purchasing department more than a quarter of a million dollars was saved to alliance members, and through them prices had been reduced 25 per cent on machinery, and that all farmers had the advantage of this whether members of alliance or not.

This meeting was the beginning of energetic and widespread progress of the farmers' movement which was to exert a remarkable influence in the agricultural industry of the territory, and also make its voice heard in its political affairs, which were now engaged in matters of the first importance to the people of all classes.

#### NATURAL GAS

In May, 1887, a farmer named R. M. McClure, residing in Summit Township, Sully County, on section 23, town 113, range 77, while engaged in boring for water struck a vein of gas at a depth of 190 feet. Not being satisfied with this result, he abandoned boring at that point, and sunk another hole about twenty-five rods farther north. He had ignited the escaping gas at the abandoned well and left it burning. In this second venture, at a depth of 104 feet the gas vein was again tapped, and poured out through the tubing with apparently greater force and volume than the first. Mr. McClure was somewhat discouraged with this second failure but it is presumed that he persevered and finally succeeded. The flame at the first hole had not been extinguished, but had been made use of to melt the snow, which appears to have remained later than usual, and this melted snow was made use of for domestic and farm purposes.

Mr. Dempsey, who had charge of the drilling operations for Mr. McClure stated that before he struck the gas vein he drilled for a number of feet through soft slate stone. There was very little odor to the gas, and what there was favored the fumes of evaporating kerosene.

Mr. Edward Thompson, proprietor of the Blunt Roller Mills, became interested and quite enthusiastic as he became acquainted with this discovery, but Mr. McClure seemed to treat the matter somewhat indifferently. The second hole was not ignited but was entirely neglected and allowed to fill up with dirt and gravel which were washed into it from melting snows and rains, and was in this condition when, some time later in the presence of Mr. Thompson and company of visitors who had come to learn something about the discovery, Mr. McClure held a lighted match over the neglected and partially filled hole, when a broad flame, two or three feet high and of corresponding breadth burst forth, much to the astonishment of the visiting people. Here we have the beginning

of the natural gas wells which later became locally famous in the territory, and furnished the illuminating material for South Dakota's capital city.

A corporation was soon after organized at Blum with a capital stock of \$50,000 for the development of the gas belt, and through the medium of this or other agencies, a large number of prospect holes were sunk, and in many cases were successful. One of these holes or wells was within or near Pierre, and it was there that the illuminant was brought into domestic and municipal use quite generally, and became a matter of general knowledge.

Scientists support the claim that gas, oil, and coal in quantity underlie the superficial area of Dakota. The Government geologists whose professional investigations cover the United States and territories have given out an authentic statement which, in a general way, will answer as a guide to the sections where gas and its companions may, with reason be searched for and probably discovered. These people tell us that:

In general it may be said that natural gas is found in varying quantities all through the territory from the Hudson River, New York, to California. In New York, Pennsylvania, West Virginia, Ohio, Kentucky, Tennessee, Alabama, Louisiana, Indiana, Illinois, Missouri, Iowa, Wisconsin, Kansas, Colorado, Dakota, Utah, Wyoming and California its existence is reported.

Where can it be found in paying quantities? This same authority, discussing this question, says:

It is almost impossible to put down the drill anywhere in the State of Ohio without finding natural gas in greater or less quantities. Outside of the localities in which the Berea grit and Trenton limestone have been found, the gas is produced in very small quantities. Perhaps the most suggestive and instructive statement in regard to "surface indications" is that made by Professor Leslie touching Pennsylvania. He says:

"First of all there can be no gas stored up in the oldest rocks. This settles the question in the negative for the whole southeastern third of Pennsylvania. To bore for gas in Bucks, Philadelphia and Delaware counties would be simply absurd.

"Second—There can be no gas left underground where the old rocks have been turned up on edge and overturned, fractured and recemented, faulted and disturbed in a thousand ways. If there ever was any it has long since found innumerable ways of escape into the atmosphere. This settles the question for all the counties of the great valley, as anyone can see by looking at the present condition of their limestone, slate and sandstone formations.

"Third—There is not the least chance that any gas is left underground in the greatly folded, crushed and hardened formations of the middle part of the state. Where the oil and gas rocks rise to the surface in these counties they show that all their oil and gas has escaped long ago.

"Fourth—Where the rock formations are approximately horizontal and have remained nearly undisturbed over extensive areas, as in all of the counties west of the Alleghenies, there is always a chance of finding gas, if not oil, at some depth beneath the surface, determined by the particular formation which appears at the surface.

"Fifth—Wherever the bituminous coal beds have been changed into anthracite or semi-bituminous coal, it is reasonable to suppose that the same agency which produced the change, whatever it was, must have acted on the whole column of formations, including any possible gas rock at any depth.

"Sixth—Wherever rock oil has been found, there and in the surrounding region, gas is sure to exist."

At this time, 1887, the discoveries and utilization of natural gas were exciting the interest and comment of the intelligent people of the entire country, and it would seem that Dakota had secured an early and conspicuous position in the "natural gas column." People somewhat remote from the gas centers read with amazement that populous cities in Ohio and contiguous states were throwing out the ordinary coal gas of municipal factories and other illuminants, and incurring large expense in substituting the gas that poured up from the earth in substantial volume.

Natural gas, however, was not a novelty, though it had not been known to exist in sufficient quantities to furnish an illuminant for even the villages in the neighborhood of the various places where it was detected in escaping from its subterranean ocean. Its existence had been known and recognized for a cen-

ture, but it was not suspected that it existed in sufficient volume for practical purposes, as an illuminant, hence no effort appears to have been made to develop it, except here and there an instance where private parties, finding it forced upon them, displayed their enterprise by subjecting it to their service. In this connection it was related that in Findlay, Ohio, natural gas had been known to exist ever since its settlement, and was met with in digging cellars and wells, and found in springs and rock crevices. In 1838 it was utilized in a small way for lighting a residence or two in the village, and had been ever since. The earliest use of natural gas for practical purposes in this country was at Fredonia, N. Y., where natural gas was found escaping from rock crevices and springs when the Holland Land Company made its survey of the "Holland Patent." In 1821 a well was sunk to the depth of twenty-seven feet for the purpose of gathering some of the escaping gas, and it was utilized with iron pipes with small holes at the side for its escape. Burned in this way it made a flame about equal to two candles. By 1824, the date of LaFayette's visit, the enterprise had progressed so far that the town used natural gas on the occasion of his visit.

Probably the first reported discovery of natural gas was in the Kanawha Valley, where it was rediscovered nearly a century later. The earliest explorers of the Kanawha Valley found "marsh gas," the modern natural gas, issuing from springs, and it was told of George Washington, in locating lands deeded to him for his military services during the Revolutionary war, found a burning spring, which he proposed to deed for public uses, but which, through some informality, was never completed. It was claimed that it was used in the Kanawha Valley during the first Harrison's administration for boiling salt. In Illinois, where the gas excitement had absorbed public interest in 1887, there had been gas wells for over thirty years, the product being utilized in a small way for an illuminant.

#### NAVIGATING THE JAMES RIVER

Whether the James or Dakota River was such a waterway that by the wise expenditure of a reasonable amount of Government money could be made a commercial highway for fair sized steamboats, was a question that had not been officially determined during all the long and prosperous years of Dakota's probation as a territory, though the subject would occasionally flame up from the columns of some enterprising and aggressive newspaper, claiming that with a very moderate expenditure on the part of the parent government an ample channel could be provided to float steamboats of moderate tonnage between Yankton, near the mouth of the river to Jamestown, on the Northern Pacific, a distance of 400 miles by the waterway, which would be a great boon to the thousands of farmers who had settled in the fertile lands tributary to the James Valley, who could transport their surplus products to market at less than one-half the cost of railway carriage, while it would have a tendency to prevent excessive railroad rates throughout the territory.

There had been comparatively long stretches of the river through Brown, Dickey and LaMoure counties where the experiment of operating steamboats for transportation had been tried by private parties, and reports that these ventures had been successful induced the Government, through the importunities of Delegate Gifford to make an appropriation in 1886, and send an engineer officer of the army to make a survey of the river. This official selected a substantial light spring wagon, waterproof on top, instead of a row boat for his investigation and carrying his outfit. He made his way along the valley propelled by a team of strong mules, frequently halting to make or take observations of the river bed. In this way the officer made a very safe and sufficient preliminary survey of the stream. There had been two dry seasons just preceding the survey which noticeably reduced the stage of water in the channel, and though this was explained to the engineer it failed to convince him that dry seasons were any more exceptional than wet seasons.



Much had been expected, in favorably influencing the report of the officer, from the presence of one of the steamboats which had been used as a part of the fleet of the Columbia and LaMoine transportation line in previous years and which was at this time moored to its landing near the port of Columbia, but by a stupid oversight on the part of the friends of navigation, when the Government officer made his visit to the vessel it was found lying almost out of water on the bank, with a placard displayed conspicuously on the dock, announcing that the vessel would be sold at sheriff's sale at an early day. Delegate Ordford having been apprised of these unlucky incidents was not surprised when the engineer returned a report so unfavorable that the project has not since been revived.

#### BANKERS' CONVENTION

The Bankers' Association of Dakota organized in 1884, held a session at Watertown during the latter part of May, 1887. President Anderson, in his address, stated that the membership of the association had increased from eighteen to eighty-two members since its organization.

H. W. McDonald, of Pierre, secretary, in an address somewhat statistical, gave some information regarding cultivated lands and farm mortgages, and kindred subjects that were interesting. For example:

In 1880 Dakota contained 1,150,413 acres of improved lands. In 1885 this had increased to 6,560,750 acres, an increase of 5,410,335 acres. The cost of putting this land into a state of cultivation was about four dollars an acre, hence the total value added to the improved lands of the territory was not less than twenty-one million, six hundred forty-one thousand, four hundred and forty dollars.

Farm mortgages formed a large portion of the Dakota banker's business at that time, and Mr. McDonald proceeded:

The character of the mortgagor has much to do with the strength of the mortgage. It is proverbial that the most active and energetic people, usually young men and women, leave the East to make farms and homes for themselves in the new West. This kind of homeseeker is supplemented by the immigration of the hardy foreigner. It is evident that from these two classes an excellent line of mortgages can be selected.

The average amount of lands mortgaged in Western New York, in proportion to the whole area of improved lands in that section, is as great as is the case in Dakota. The average amount of the Western New York mortgage is much larger than the average Dakota mortgage. The New York farm of 160 acres usually carries a mortgage debt of not less than five thousand dollars with interest at 5 per cent. The average mortgage in Dakota on 160 acres is \$800 at 8 or 10 per cent interest. The net profit accruing to the western farmer over that of the eastern farmer is as much greater as are his living expenses less. Farm mortgages are the effect of failure of crops as a rule, though some are made to permit of substantial and needed improvements. The high rate of interest has a tendency to overloaning which in many instances would seem to amount to a virtual purchase of the land.

The members of the association present were: M. P. Bebee, Ipswich; W. W. Watte, Blunt; A. H. Everhard, Highmore; C. S. Shelly, Gary; W. H. Waters, Miller; D. W. Digges, Millbank; Charles F. Judd, Canton; J. L. Wells, Ipswich; S. Gaillander, Britton; F. L. Hopkins, Hillsview; F. W. Thomas, D. Gosley, W. E. Sibley, H. D. Walrath, S. B. Sheldon, W. E. Scarrett, W. D. Morris, H. L. Sheldon, C. E. Boyden, of Watertown; William Fisher, Volga; J. F. Hancy, Clear Lake; B. L. Kelsey, Aurora; F. L. Hale, Scotland; S. M. Sproeds, Faulkton; F. M. Hopkins, Roscoe; H. H. McDowell, Eugene Steer, Pierre; B. A. Wade, Gary.

#### BOARD OF PHARMACY

The South Dakota board of pharmacy consisting of I. L. Kreschie, of Iroquois; H. K. Warne, of Mitchell, and D. S. White, of Handron, appointed by the governor under the law passed by the late Legislature, met at Woonsocket



on the 17th of May, 1887, and organized by electing Druggist Warne, president, and Druggist Kreychie, secretary. At this meeting the board prepared blanks for applications, and settled their affairs preliminary to the important duties which had been devolved upon them, and decided to hold the first meeting for the examination of candidates for registration at Huron on the 28th day of June, 1887, when certificates to qualified druggists would be issued. The pharmacists, anticipating a division of the territory at an early day, were among the first of the business classes to organize a South Dakota Association.

#### PRECIOUS METALS IN THE BLACK HILLS

The director of the United States mint made a special report on the production of the precious metals in Dakota for the year 1886. He stated that the Homestake, Deadwood-Terra, Caledonia, Highland, and Father deSmet, had, as in the past furnished about all the gold. Among the silver producing properties the Iron Hill occupied the foremost position. Of the Dakota bullion product, nearly all came to the assay office in New York, and the figures given represent the receipts at that office from Dakota for the year 1886.

Name of Mine.	Gold.	Silver.	Total.
Caledonia .....	\$ 197,608.17	\$ 2,520.12	\$ 200,227.29
Deadwood-Terra .....	582,724.79	6,931.91	589,658.70
Father deSmet .....	72,106.24	963.37	73,069.61
Highland .....	512,989.95	5,396.68	518,386.68
Homestake .....	1,018,235.38	12,522.68	1,030,758.66
Iron Hill .....	324.66	371,705.29	372,110.95
Uncle Sam .....	15,038.39	128.55	14,166.94
Richmond .....	453.27	16,682.15	17,135.42
Unknown .....	121,449.64	5,631.66	127,081.30
Totals.....	\$2,520,030.49	\$422,581.41	\$2,942,601.90

The amount of gold bullion in 1886 was affected by unusual injurious causes. First, depreciation in value of ore produced. Second, the Father DeSmet property, formerly a large producer, ceased operating early in the year. The Caledonia closed for two months owing to a cave in.

Concerning the silver production a marked change was noted. During 1885 the total value of the silver reported was but \$65,526, while in 1886 it was \$422,881, an increase of \$357,055. The number of producing mines in the Hills, both gold and silver, was never greater than at this time. Railway facilities have been a valuable factor in stimulating the mining industry. Outside of the Homestake lode, reaching from Deadwood to Whitewood Creek are the Bald Mountain mines. These, it was at the time predicted, would become the principal gold producing properties of the territory. These ores are rich in gold, carrying a small percentage of silver, and occur in flat veins or blanket lodes, extending over an area of four miles. They cannot be treated successfully by the ordinary free milling process so are shipped for separation.

The silver production had suffered from the fact that the Richmond mine (which now includes the Sitting Bull property), formerly one of the largest silver producers only commenced production in November, having up to that time been closed on account of legal difficulties. The steady output of the smaller mining properties in the Galena district and preparations to build works of greater capacity for reducing the ores of the carbonate district offered an encouraging outlook for an increased silver product. During the year 1886, \$732,500 was paid in dividends by the following Dakota companies, Homestake Mining Company, \$600,000. Caledonia Mining Company, \$20,000. Iron Hill Mining Company, \$112,500. This is taking no account whatever of the scores of mining properties that were being worked on a much smaller scale and only locally known, scattered throughout the great mineral belt. This was a condi-

tion of the mining industry nine years after the Hills were opened to white occupation, and quartz mining was yet an infant industry.

Concerning the fruitfulness of the soil in the year 1887 there was abundance of contemporary testimony, but that which was entitled to the highest confidence of the reader was the report which had come down through an official channel, made by Hon. P. F. McClure, of Pierre, the immigration commissioner of the territory. He gathered his information with intelligent care from reliable parties, including county officials, from every county in the territory. His conclusions, therefore, while seemingly extravagant, were fully justified by the facts revealed by the harvest. The following brief summary was taken from his report:

Of wheat there was seeded 3,818,754 acres, which yielded 62,553,499 bushels. Of corn there was planted 608,807 acres, which yielded 24,511,726 bushels. Of oats there was seeded 1,172,289 acres, which yielded 43,267,478 bushels. Of barley, 235,155 acres, yielding 6,500,508 bushels. Buckwheat, 5,740 acres, 70,230 bushels. Flax, 412,741 acres, yielding 3,910,044 bushels.

Squirrels, cut worms and poor seed were responsible for the loss of many millions of bushels of corn in 1887.

In 1880 the value of all farm products, exclusive of live stock, in the territory amounted to \$5,048,814, and the value of live stock in the territory was \$6,453,274. In 1885, five years later, the value of farm products amounted to \$36,808,131, and the value of live stock reached the total of \$40,528,897.

#### TIN IN BLACK HILLS

Tin was discovered in paying quantities in the Harney Peak region of the Black Hills in 1883-84, and the event awakened much interest in the country generally, owing to the growing scarcity of the metal, and the consequent increase in price, and the poor quality of many articles of domestic use which were made wholly or partially from tin. England furnished the United States its tin and their tin trade was a valuable commercial asset, for they possessed practically a monopoly of the tin trade. A Professor Bailey, who had become interested and quite enthusiastic over the discoveries in the Harney's Peak district, and who was regarded as a safe authority on the useful and popular metal, gave out a statement of a general character concerning the tin mines of the world, showing that its production had been declining for half a century, and the demand increasing. The great deposits had been those of Cornwall, England, and the Saxon and Bohemian Erzgebirge; smaller veins were known in Brittany, Finland, Spain, Mexico, Bolivia, and New South Wales. These last mentioned were practically exhausted. The Saxon and Bohemian mines were producing an insignificant quantity, and those of Spain and South America still less. Cornwall had been the great source of supply for a thousand years for the world, but indications were that Cornwall would not be able much longer to supply the demand. Tin mining appears to have been very expensive, and its increasing cost had led to the use of substitutes that were in no case satisfactory, and to the general use of sheet iron plated or washed with tin, for every article which had been supplied from pure tin while that metal could be had at reasonable prices. In this way there had come about the manufacture of a substitution of an iron body covered with a short lived tin wash for roofing material, stoves, pans, pots, and scores of articles, that in earlier days had been produced wholly in tin, and had taken their names from it.

According to Professor Bailey the Black Hills region would be able not only to supply the United States but would have an abundance for export. The center of the district was claimed to be Harney's Peak, itself the principal mass, and from that point it spread over an area measuring twelve miles by seven or eight. The tin bearing rock, it was held, could be quarried from the surface instead of being dug for and followed under ground, and veins of it had been discovered measuring more than fifty feet in width, which was a superior

width to the Cornwall mines. The stream tin which could be obtained by sluicing, according to sample assays, yielded about 75 per cent of pure tin, and was so abundant that all companies that might desire to work in this field would find abundant material for a score of years, yet this stream tin was but the waste of the main deposits, that water and frost had detached, a small fragment at a time from the great source of the ore which was Harney's Peak itself nearly a mile high, and the surrounding tin-bearing rock which extended for miles.

Hill City was the principal town in the tin mining district of the Black Hills, and 1889 was a notable year in its history and in the work of developing the tin deposits. The Harney Peak company led the march of improvement. Hoisting works were erected on the Coates and Cambay mines, their completion and operation promising labor to a larger force of employes. A party of Chicago capitalists stood ready to put up a tin-plate manufactory as soon as the production would justify it. There had been some apprehension that a serious difficulty would be encountered in separating the tin from the mica, but that problem had been successfully solved at the Dakota School of Mines at Rapid City. Doctor Carpenter, the dean of that institution, had made a careful and exhaustive experiment with the machinery of the school metallurgical laboratory, and found that the average tin ores of the Harney Peak mines could be crushed and concentrated at a cost not to exceed fifty cents per ton. Vice President Claussen, of the Harney Peak company, resident manager, stated that the company would build about six miles of narrow gauge railway during the summer.

A sample of tin ore from the Etta mine, Black Hills, that was shipped to New York from the mine in January, 1886, was not only a beautiful sample of tin ore but a colossal specimen as well. It weighed  $4\frac{1}{2}$  tons and was hauled to Buffalo Gap station on the Northwestern Railroad for shipment in a specially prepared conveyance. The nature of the rock was what experts call "green gneiss," composed of feldspar and quartz, largely mingled with a greenish stained mica, while over all and through the whole mass the brown black crystals of cassiterite or tinstone were exposed. It was intended to exhibit the specimen in New York for a season, and then send it to Europe.

There was great interest manifested in the tin deposits of the Black Hills during 1887. Tin had been early discovered there, and certain lodes had been located and meagerly worked, but legal complications and lack of transportation facilities with lack of capital probably a chief hindrance, had delayed and interfered with the development of the mines, which were regarded as extensive and valuable owing to the scarcity of that metal among the known mineral resources of this continent, and the proximity of the Black Hills, when transportation facilities should be furnished. Cornwall, England, was the tin emporium of the world at this time and the United States its most profitable customer and consumer.

In 1884 a capitalist of New York, Mr. James Wilson, presumed to be representing an English company, spent the summer in the Harney Peak mining district, exploring and investigating the tin resources. Mr. Wilson appears to have been well qualified for such an investigation, and he became satisfied that there was an abundance of the metal there covering a large area, which could safely be made the basis for a large and profitable enterprise. During that and the succeeding two years he continued his examinations and purchased a large number of lodes from prospectors who had located them. In 1887 Mr. Wilson went to London and organized a company with a capital stock of £2,000,000, English money, £100,000 of which was set apart for the construction of a railway from the mines to Rapid City.

In July, 1887, a party of New Yorkers made up of ex-Governor Alonzo B. Cornell, Lewis F. Payne, a prominent statesman later, W. S. Williams, a banker, and P. D. O'Brien, a Black Hills miner, visited the Harney district and inspected the properties owned by the American Tin Company, in which they had large investments,—in fact were practically the owners. It was stated that Roscoe



Conklin, the famous New York statesman, was interested also. As a result of this party's investigation it was announced that their company would put in a plant and work their properties, entailing an expense of \$250,000. They intended to place an experienced Cornwall miner in charge. This company had already made considerable development of their properties, and had sunk one shaft 100 feet, and from this had cross-cut 135 feet on two levels, and from the result of these workings had concluded upon extensive and substantial improvements. The building of a short line of railway was a part of this company's plans. Thirteen tons of ore from their mines had been previously sent to Cornwall for a test run, and this resulted so favorably that a Mr. Colbert, a Cornish expert, came over to negotiate for property in the new district. This gentleman sent back a report which awakened much interest in the circle of English capitalists interested in tin, and subsequent proceedings led the Americans to conjecture that Cornishmen were at work to get control of the Black Hills properties for the purpose of obstructing their exploitation and development, apprehending that Cornwall would be unable to control the United States market against such rival interests as the Black Hills could soon establish. It would seem that the Cornishmen were largely successful in their efforts from the moderate showing the home tin industry has since made.

Concerning the Black Hills tin ore it had been demonstrated that it contained a larger per cent of pure tin than the Cornwall ore, and could be more profitably worked.

In 1888, while the interest in tin held its own, the public mind became deeply interested, particularly in the southern hills, in new coal discoveries, and these, together with the tentative plans that had been set afoot, as before related, made a tin and coal mining camp of Rapid City, which appeared, by common consent, to be the rallying point for the tin and coal interests. Great blocks of tin ore were displayed in the hotels, banks and business houses of Rapid, and also specimens of bituminous coal found in the western portion of the county. The City of Rapid, impatient at the tardiness of the projected railroad to the tin country, constructed an excellent wagon way leading to Harney's Peak over which the heavy machinery for use in mining and reducing ores could be transported. The local representatives of the leading companies operating in the tin district made **Rapid their headquarters.**

In September, 1888, a new interest was awakened toward the tin deposits. An English expert and scientist, Professor Vincent, a member of the Royal Geographical Society of England, had made an extensive examination of the tin properties owned by the Harney Peak Tin Company, and which James Wilson, president of the company, had offered for sale to a great English company or syndicate, at \$10,000,000, or £2,000,000, English money. Negotiations had been pending before Professor Vincent's examination looking to a sale of the property but negotiations were delayed, it was apprehended, awaiting further and surer evidences of the value of the property. It was to secure these that Professor Vincent was sent across the ocean and on to the Black Hills. His testimony would be ample evidence, if it confirmed the reports already in hand, to justify the transfer. Vincent made a thorough exploration of the property so far as depth had been attained in the various workings. Forty tons of the ore were packed and shipped to England just as it was taken from the ground. The ore was of excellent quality, showing a high percentage of tin. The professor made a written report to his English clients accompanying which was forwarded at the time the shipment was made, and it was believed by interested parties in the Hills that the report was favorable. But a long silence followed, which was quite discouraging to home interests, who did not properly weigh the deliberation and conservatism of our English cousins in matters involving so much expenditure. And no people of any nation have a more thorough appreciation of mineral properties than the English, or are better informed regarding their value.



Professor Vincent's report was finally made public, and was found to be a strong endorsement of the Black Hills tin deposits. He declared the veins explored to be permanent in character, well defined, carrying cassiterite or tin oxide in paying quantities, and throughout a considerable scope of country. In concluding his report the professor said.

Finally, I will state in distinct terms that which I have already indicated, namely, my conviction that with proper and adequate management the unique assemblage of magnificent properties under the consideration will show commercial results such as have seldom been equaled in the achievements of industrial economy.

The London Mining Journal commenting on the Vincent report, said:

It must now be considered as settled that America possesses tin mines capable of furnishing her own market, if not, indeed, entering other markets of the world. And further, that those who now control the tin supplies of the world may look for consolation to the fact that the American market is a great and rapidly growing one, carrying the idea that it may be expected to use the principal part of the tin from the Black Hills for years to come, and that thus they will not have to bear American competition in other markets.

## CHAPTER C

### PRESIDENTIAL ELECTION YEAR—IMPORTANT TO DAKOTA

1888

DAKOTA BILLS IN CONGRESS—DEATH OF LIEUT. BUZZARD IN THE AMERICAN  
MILITARY CONVENTION AT FARM STOWN TO SELECT DELEGATES TO THE NATIONAL  
CONVENTION—ADDRESSES, RESOLUTIONS, ETC.—NATIONAL REPUBLICAN CON-  
VENTION AT CHICAGO—DEMOCRATIC TERRITORIAL CONVENTION—THE  
CHURCH FACTIONS—NATIONAL CONVENTION AT ST. LOUIS—CLEVELAND AND  
HENDRICKS THE CANDIDATES—HARRISON AND MORTON NOMINATED AT CHI-  
CAGO—THE PROHIBITIONISTS NOMINATE A TERRITORIAL TICKET—DEMOCRATIC  
AND REPUBLICAN TERRITORIAL CONVENTIONS.

In January, 1888, the delegate in Congress from Dakota Territory intro-  
duced in the House many more measures than the average congressman from  
the states. In order that the reader may see the variety of Dakota's needed  
legislation at hands of Congress, a list of Delegate Gifford's bills is here appended.  
For the admission of the State of South Dakota. For the admission of the State  
of North Dakota. Allowing the Duluth and Manitoba Railway right of way  
through the Fort Pembina Military Reservation. Throwing open to settlement  
abandoned and useless military reservations. Providing for a commission to  
negotiate with the Sisseton and Wahpeton Sioux Indians for a modification of  
present treaties and agreements. Allowing the Duluth and Manitoba road  
the right of way through the Fort Pembina Military Reservation. And throw-  
ing open to settlement abandoned and useless military reservations. Provid-  
ing for a commission to negotiate with the Sisseton & Wahpeton Sioux Indians  
for a modification of present treaties and agreements. Granting section 16 near  
Rapid City to that town. Granting certain sections of land near Grand Forks  
to the North Dakota University. Granting the Yankton & Missouri Valley  
Railroad right of way through the Yankton Indian Reservation. Providing  
for the opening of the Great Sioux Reservation. This bill was practically the  
Dawes bill, which appears in this work in a chapter of 1885, and which was  
not defeated, but passed the Senate and failed to reach a vote in the House.  
Nothing had been done in this matter for two years. The tribal patent clause  
of the Dawes bill had been omitted from the Gifford bill. Granting the Duluth,  
Watertown & Pacific Railroad the right to build a bridge across the Missouri  
River at some available point in Charles Mix County, Dakota. To establish  
two new land districts with the land offices at Pierre and at Chamberlain, con-  
tingent upon the opening of the Great Sioux Reservation. Granting a section  
of land to Aurora County, Dakota, for the establishment of a reform school.  
Providing for an inquiry into the losses sustained by settlers who had been  
deprived of their rights on the Crow Creek and Winnebago reservations by the  
summary closing of the reservations by order of President Cleveland.

The democrats had lost heavily in congressmen at the election in 1886, and  
the two old parties were very near a tie in the House, the Democrats two or  
three in the lead. It was confidently expected that the Dakota State bills would  
be passed in some form before the session was ended. A presidential election  
occurred this year (1888), which would be an important factor in influencing  
the action of Congress on Dakota affairs. It was expected that Springer would

be unfriendly to Gifford's state bills, owing to their provisions for two states, whereas Mr. Springer wanted to include the entire territory in one.

#### THE DEATH DEALING BLIZZARD OF 1888

Preceding the terrible blizzard of January 13, 1888, with its unprecedented fatalities, the winter had been unusually rigorous and stormy. From all portions of the territory had come accounts of heavy snows that blockaded the railroads, covered the wagon roads to a depth that with the drifts rendered them almost impassable. The inhabitants of many villages were practically isolated from the surrounding country and from neighboring towns by the impassable condition of the thoroughfares. There must have been considerable suffering in the newer settlements where the recent settlers had not prepared for a season of such extreme severity, and these newer settlements were in large numbers, for Dakota had gained many thousands in population during the season preceding. The farming people had been accustomed to predicate an abundant harvest following such real wintry weather, and found much consolation in anticipating a profitable and adequate reward as a compensation for the discomforts that attended their winter labors.

The most disastrous winter storm that had ever occurred in Dakota or the region covered by it, according to Indian testimony, came up on the 12th of January, Friday, about noon or a little later, 1888, and continued for nearly twenty-four hours when the blizzardy features of the storm subsided but the intense and dangerous cold continued. Two hours after the storm broke out the temperature had fallen below the coldest of any previous cold spell during the winter, and soon reached to 25° below zero while the heaviest snowfall of the winter prevailed, and the wind blew with hurricane strength. It soon grew into the most dangerous blizzard that ever visited the territory. The quantity of snow, the force and fitfulness of the wind which kept the snow in the air and effectually concealed objects outside while the constant and powerful gusts of wind, laden with the fine snow, prevented a person from seeing anything if they stood exposed to the air.

Had the storm broken out in the night it is not probable that it would have cost the life of any human beings in the territory, but it came up while the rural schoolhouses were filled with pupils, many of tender years, and a mile or two, possibly more from home, and raged with such strength and fury that neither strong men or animals could make their way against it, in fact animals utterly refused to face it and became frantic when exposed to it. Farmers who had gone to town or market, or who were even in their fields engaged in hauling home their hay and fodder crops, found themselves lost, not knowing which way to turn, the roads entirely obscured by the whirling clouds of snow, and huge drifts rapidly accumulating.

Many thousands of the people of the territory were sufficiently exposed to the fierceness of this tempest in its earliest stages to satisfy them that they had narrowly escaped serious injury and possibly fatal freezing, and after the worst of the storm was passed and people could get abroad in search of missing members of the family, it was then that the heartrending cries of the bereaved were heard in a hundred homes. School children were largely the victims.

Following the storm came the reports of the dead, maimed and missing. And a scene that became quite familiar in many localities was the arrival of a party in quest of a doctor and bearing either on their arms or in some sort of conveyance, the half frozen body of a neighbor or two who had been exposed to the storms. The demand for medical assistance called the fraternity into the field early and kept them there, the whole scene covering almost the entire territory reminding one familiar with battles of the scene around the hospital camps while a hotly contested battle was in progress and the wounded were being borne to the rear and turned into the surgeon's care. In Bon Homme

County alone there were nineteen cases of death by freezing. In Yankton County two near Lester ville and a number permanently disabled by the loss of limbs that were amputated. In Clay County, three near Wakonsda. The blizzard extended through all parts of the territory. A report sent from Bismarck on the 15th, stated:

The streets of the city are entirely deserted and not a team or vehicle of any kind is to be seen. It reminds one of the ancient depopulated cities. The terrible swirling masses of snow prevents objects from being seen across the street. The big drifts are so hardly packed that teams can enter over with perfect ease without breaking through. The city schools are closed indefinitely, or until the storm abates. Many children started to go to school this morning, but were obliged to turn back. No freight trains have passed the city for several weeks. The hard packed snow derails trains. This was the cause of the wreck above here, where the engineer and fireman lost their lives.

In the early years of Dakota's settlement by the whites a number of serious blizzard storms were experienced which are mentioned at length in the early chapters. There were a number of similar experiences related by people in various portions of the territory, which proved that the peculiar and furious tempest which bears the name of blizzard had lost none of its tragic nature or pitiless features. But there were thousands who survived the fury of the storm—men in 1888 to one who could tell of personal perils from a like cause back in the '60s. The blizzard was as fierce, fatal and prolonged in Nebraska and Kansas as in Dakota, and about the same time a similar storm swept over New York and the East carrying death and destruction in its path.

The known fatalities in Dakota of human beings found frozen to death after the storm abated numbered 148, and were divided among the counties named, as follows:

Stutsman County, M. A. Ryan, one; McCook, Henry Bliss, one; Ransom County, two sons of B. Cleveland, unknown man, Cora Curtis, four; Pembina County, Miss Jacobson, Mrs. Grande, Miss Brandee, unknown boy, four; Codington County, Miss Sarah Dokand, Rev. Mr. Springer, Mrs. J. M. Westfall, three; Ward County, James Smith, two sons of James Smith, Mr. Davis and son, five; Clark County, Wm. Drivers, two sons of Wm. Drivers, Charles Heath, four; Edmunds County, Mr. Paine, Peter Terhune, two; Hamlin County, Mr. Tittloff, one; Brule County, Annie Anderson, Joseph Bieyers, two; Deuel County, Hugo Sheaf, Joseph Hutchinson's two children, three; Day County, Harrison Smootz, one; Brown County, Wm. Love, Judson Westgate, Miss Stoneburger, Wm. Morrill, four; Spink County, W. G. Carthwaite, Charles Osman, Bessie Stansfield, Mr. Buethen, Emil Gilbertson, Lewis Merriman, and his son, seven; Faulk County, Emma Lamar, Carrie Auman, Joseph Metz, Mr. Clump, Mr. May, five; Hand County, W. Cassler, William Bowman, Jerry Bowman, Alex Thompson, former name unknown, Mrs. Holtz, Maggie Dan, seven; Beadle County, F. E. Gilkerson, Robert Chambers, Emil Gilman, Thomas Nelson, William Nelson, J. W. Goslee, Mrs. Devine, Adam Gerner, John Newcomber, Frank Frierson, William Frierson, J. E. Wilson, Wm. Norton, Frank Norton, Mrs. Phillips, and her grandson named Bardel, Burdette Scould, Katherine Drue, eighteen; Lake County, Mrs. T. O. Owens, one; Salthorn County, Miss Lizzie Ashton, Miss Fisher, an unknown boy, Mr. Davis and wife, five; Minnehaha County, Miss Jacobson, Miss Grande, Ole Canaderson's hired man, P. Grandstrom, John Bessler, Mrs. James Kennedy, and Mrs. Kennedy's son, Eric Ericsson, eight; Bon Homme County, J. O. Robinson, A. J. Winters, N. J. Hurlibarton, Mrs. F. Bambas, son of Michael Huff, Mrs. Jose, Joseph Kocerek, two children of John Pouza, Mrs. A. J. Wilson, child of Matthew Weiss, three children of Christian Kaul, five children of George Coshen, nineteen; Yankton County, Jacob Kuntz, Mrs. Elizabeth Teth, Frederick Milbeyer, Frank Weisner, four; Turner County, four children of Peter Wrenna, Lizzie Dwyer, five; Clay County, Miss Shoofeldt, Miss Annie Shoofeldt, two; Hutchinson County, W. B. Hadley, three children of John Kaufman, child of



John Albrecht, child of Peter Graber, Mrs. John Gunn, Joshua Saylor, son of Joshua Saylor, Wm. Reiswig, and his hired man, daughter of P. H. Sweet, George Lang, George Verlhauer, son of Jacob Brunt, fifteen; Douglas County, Jacob McBreame, Charles Rhodes, two; Davison County, George Allen, Walter Munger, Allen Munger, three; Lincoln County, John Bessler, four children of Peter Weinenger, Edward Kylling, L. Seibert's hired man, three children of Mr. Heines, ten; Hyde County, Sister Wilhelmain, Mrs. Anthony Haby, two.

The fatalities so numerous among young women and children has each a separate story of heroic but futile effort of a country school, its dauntless and faithful teacher in a struggle with the pitiless storm to guide her pupils to a safe refuge. There were many instances of this, and fortunately a large majority were successful. As a rule teachers had been warned against such a danger, and lost no time in dismissing school. Others delayed, expecting the storm would subside and when they ventured forth they were soon bewildered, lost, and fell easy victims to the relentless fury of the maelstrom.

A weather item caught from the news of the day during this unprecedented period of heavy snows and frigid temperatures stated that the temperature in Wisconsin ranged from 42° to 62° below zero; in Iowa, 42° in Dakota 22° to 34°; Minnesota, 24°, and Michigan, 42°.

In the vast area covered by it, its intense cold, its fatalities, and heavy deposit of snow, this midwinter cataclysm established a precedent. It was generally regarded as a nation-wide and calamitous visitation.

The railways were greatly annoyed by the snow before as well as after the great "blizzard" of January 12th. There was an unusual amount of cold, hard freezing weather. There were no trains on the east and west lines at Huron for two or three weeks in January, and the same was the condition at points on the Milwaukee west of Canton and Egan and Big Stone, though there appeared to be a diminishing of the annoyance on the more northernmost lines, but there was unusual delays and snow filled cuts on the Northern Pacific and Manitoba lines that ran west. Central Dakota was visited by a greater depth of snow than either the north or south. Points in the territory not touched by north and south lines were practically without rail connection after the great "blizzard" until the spring breakup.

The ice gorged near Elk Point April 1st, causing a rise in the Missouri, and backed the water up stream for seven or eight miles, overflowing the bottom lands. The railway tracks below Elk Point were under water for some weeks. There was no overflow above Vermillion, and no serious flood conditions caused by the rise in the Missouri, but the valleys of many tributary streams in the northern portion of Dakota, notably Heart River, were submerged and the settlers were driven to the highlands. Considerable live stock was drowned.

#### REPUBLICANS ELECT DELEGATES TO NATIONAL CONVENTION

The Republican Central Committee met at Aberdeen on the 31st of March, and called two republican conventions, the first to meet at Jamestown, May 10th to elect delegates to the National Republican Convention to be held at Chicago, in June, to nominate a candidate for President, and the second to meet at Watertown, August 22d, to nominate a candidate for delegate to Congress. The apportionment was one delegate for each 200 votes cast for Delegate Gifford in 1880. The contest in committee for the places to hold the conventions was quite spirited. Mitchell came within two votes of securing the first convention and the contest for the second, there being a number of candidates required nineteen ballots. The candidates were Deadwood, Sioux Falls, Watertown, Aberdeen, Mitchell, Bismarck, Brookings, Yankton, and Grafton. Deadwood and Watertown were the favorites, and ran neck and neck to the last ballot.

The convention called to meet at Jamestown to elect delegates to the Republican National Convention assembled May 16th, and was called to order in the opera house by Harrison Allen, chairman of the Central Committee, who said:

I congratulate the gentlemen present upon being members of the largest and most important convention ever held on the continent. I am sure it is the largest territorial convention ever held in the United States.

Nearly six hundred strangers were present, and fully 525 of whom were delegates.

Col. N. M. Price, of Sanborn County, and Judge John E. Bennett, of Clark County, were placed in nomination for temporary chairman. It was decided to call the roll of counties and throw out the vote of counties where contests existed. Judge Bennett was elected by a vote of 420 to 93. The roll call showed contests in Logan and Rolette counties. Every county in the territory except Towner and Buffalo was represented.

Upon taking the chair, Judge Bennett referred in strong language to the gross injustice done Dakota by keeping this great territory out of the Union. He said the democratic party was responsible for it. The convention was stirred to wild enthusiasm by the speaker's reference to prominent presidential candidates, and especially by the name of Blaine.

The marked omission of any reference to Judge Gresham greatly disappointed many in the convention. The day before the name of Gresham produced long and loud approval from most of the club delegates, and in this convention the same expression would undoubtedly have been heard had opportunity been given.

C. T. Howard, of Spink County; R. W. Wheelock, of Davison County, and Fred Falley, of Richland County, were elected secretaries.

The following committees were then appointed by the chair:

On credentials—L. C. Taylor, of Hanson County; Frank Alexander, of Campbell County; Phil Skilman, of Brown County; C. E. Hayward, of Clark County; A. S. Stowe, of Edmunds County; A. S. Flemington, of Dickey County; S. B. Crist, of Lawrence County; J. W. Walker, of Kidder; D. S. Dodds, of Nelson; J. E. Hipple, of Hutchinson; E. L. Bates, of Charles Mix; C. L. Fry, of Clay; E. J. McMahon, of Steele; H. W. Coe, of Morton, and P. E. McHugh, of Cavalier. On resolutions—Judge Corson, of Lawrence; A. C. Mellette, of Codington; S. P. Jones, of Turner; Waldo M. Potter, of Cass or LaMoore; George W. Sterling, of Beadle; L. J. Bates, of Kingsbury; E. N. Neal, of Burleigh; John N. Norton, of Day; Fred Adams, of Griggs; Judge Poindexter, of Spink; J. W. Fowler, of Pennington. On permanent organization—F. W. Caldwell, of Minnehaha; J. McConnell, of Miner; H. C. Kerspauigh, of Lawrence; Fred S. Shore, of Benson; J. M. Cushing, of Spink; Fred Schmauber, of Yankton; E. G. Falmestock, of Codington; E. Potter, of LaMoore; S. H. Elrod, of Clark; C. B. Edwards, of Traill County. To formulate an address to the American people setting forth Dakota's wrongs—J. L. Robinson, of Codington; N. W. Price, of Sanborn; N. M. Johnson, of Nelson; F. J. Correy, of Spink; G. C. Moody, of Lawrence; C. A. VanWormer, of Barnes; R. W. Wheelock, of Davison.

While awaiting the report of the Credentials Committee the convention listened to eloquent addresses from Colonel Plummer, of Brown, and Col. N. M. Price, of Deuel. Also the following telegram from ex Governor Pierce to the chairman, dated San Francisco, was read:

Heartiest greetings and heartiest congratulations on the bright prospects which open before the republican party. With wisdom and unity we shall get there this fall and see a brighter day dawn for Dakota, and I wish the convention Godspeed.

The chair appointed S. H. Elrod, of Clark; Gen. Harrison Allen of Cass; and Colonel Falmestock, of Codington, to draft a reply to the governor.

A recess was taken to 7.15 P. M. When the convention reassembled at 7.15 P. M. the Committee on Credentials reported. Their report showed eighty-six out of the eighty-eight counties in the territory represented either in person or by proxy.

E. W. Caldwell, chairman of the Permanent Organization Committee, reported the name of John H. King, of Rapid City, late of Chamberlain for permanent chairman, and recommended the retention of the secretaries. Mr. King was unanimously chosen chairman. Mr. King had been instrumental in securing the passage of the bill to provide for the opening of the Big Sioux Reservation, a matter of great importance to the territory, and on taking the chair he made a brief and appropriate address, saying in part:

I do not wish to detract anything from the laurels of that grand galaxy of statesmen named by the temporary chairman, but would add one more name to the list named by him—Walter Q. Gresham.

The chairman referred to Allison as his personal preference, which drew out but little applause, but the demonstrations that followed the reference to Gresham were more enthusiastic than those which greeted the name of Blaine.

No time was lost in speech making, but the convention entered at once upon its principal business of electing delegates to the National Convention. It had been agreed to elect ten delegates and ten alternates, though but two had been apportioned to each territory by the National Committee. It was assumed, however, that the peculiar political situation in Dakota justified the convention in electing the same number of delegates that the two states of North and South Dakota would be entitled to, that such action would call the attention of the voters of the nation more particularly to the injustice which had kept it from admission to the Union.

Delegate Caldwell, according to the caucus program, moved that a committee of ten be appointed by the chairman to suggest the names of ten delegates to represent Dakota in the National Convention, and the names of ten alternates also. A. C. Mellette, Judge Levisse and others objected to this manner of choosing delegates as an unrepubli can proceeding. Even democrats would not stand it, he said. Caldwell's motion prevailed, however, by a vote of 391 to 126.

The chair appointed as this committee the following:

E. W. Caldwell of Minnehaha, F. J. Washabaugh of Lawrence, J. N. McCracken of Pennington, G. A. Matthews of Brookings, C. T. McCoy of Brown, C. V. Pollock of Cass, T. F. Campbell of Burleigh, Solomon Wenzlaff of Yankton, G. N. Walsh of Grand Forks, C. J. Fry of Clay.

The committee on delegates reported the following names:

Delegates—Gideon C. Moody, of Lawrence County; H. C. Hansbrough, of Ramsey County; N. K. Hubbard, of Cass County; L. B. Richardson, of Grand Forks County; W. C. Plummer, of Brown County; G. W. Hopp, of Brookings County; Col. E. W. Foster, of Spink County; J. M. Bailey, Jr., of Minnehaha County; Boetus H. Sullivan, of Aurora County; T. O. Bogert, of Bon Homme County.

Alternates—J. A. Fowler, of Pennington County; G. Gilbert, of Turner County; Fred Schnauber, of Yankton County; J. H. Baldwin, of Hand County; D. C. Orr, of Walworth County; S. M. Laird, of Hughes County; Mr. Sprague, of Walsh County; Mr. Tuttle, of Morton County; Mr. Gray, of Barnes County, and Mr. Harris, of Burleigh County.

Mr. Mellette moved to amend the report by substituting the name of Johnson Nickeus for that of L. B. Richardson of Grand Forks, and referred to Mr. Richardson as a man of whom he had never heard. General Ward of Grand Forks retorted sharply.

The report of the committee was then adopted.



The delegates were mostly Blaine men. Moody was not Harrison but intended to remain noncommittal until after they had been admitted to the National Convention.

The committee appointed to prepare an address to the people of the United States then presented the following, which was adopted amid much enthusiasm, participated in by the spectators.

The address:

For five years have the people of Dakota asked Congress for relief in an (a) m...  
 For five years has our prayer been ignored.  
 We now appeal from the arbitrary decree of Congress to the American people. Here-with is our case:  
 We are 600,000.  
 We represent that we are intelligent, industrious, energetic, enterprising, moral, loyal.  
 We have never been charged with incapacity for self-government.  
 Our territory contains 150,000 square miles. Every acre is fertile and productive.  
 Our climate is healthful, invigorating and salubrious. An immense population is assured.  
 Dakota is four times as large as Ohio.  
 We ask that it be divided into two states of equal size.  
 We ask that these states be called North Dakota and South Dakota.  
 We ask this because the present territory is too large for convenient government, as one state; because our people desire to be near their own government; that they may supervise its actions; that it may be held responsible to them.  
 We ask it because we desire an equal representation in Congress with other states.  
 We ask it because we wish to have adequate representation in our state legislatures.  
 We ask it because small states are governed cheaper than extremely large ones.  
 We ask it because North Dakota and South Dakota are naturally separate communities.  
 We ask it because the natural separation has been augmented by the lines of travel, by the legislation of twenty years, by the location of public institutions, by the will of the people.  
 And recognized by all the benevolent, religious and political organizations.  
 We further ask that both North and South Dakota be admitted at once.  
 These just requests have been refused and ignored by Congress.  
 We are oppressed and suffer great hardships because of the inaction of Congress in our case.  
 These are our grievances. We are disfranchised. We are permitted no voice in selecting our rulers. Our governors, our judges, even our clerks of court, and many other officials, are appointed by the federal power. Incompetent, dishonest, offensive and arbitrary officials are thrust upon us. The present democratic governor is thus arraigned by his party associates in delegate convention at Watertown, South Dakota, May 24, 1888:  
 "He has bartered his appointments away for his own benefit."  
 "He has called to his council a horde of mackerel traders."  
 "He has wielded his executive club over the Legislature by threatening to veto certain bills, and by promising to approve bills with jobs in them."  
 "He is a boor totally unqualified to appreciate the wants of a free people."  
 "His administration has been unrelieved by a single act of enlightened statesmanship."  
 "A continuation of his autocracy will leave the territorial treasury in bankruptcy irretrievable."  
 "He is an insurance broker."  
 "He is a jobber in notarial commissions."  
 So say his party friends after serious deliberation. Imagine the views of his political opponents.  
 We are taxed without representation. We annually pay hundreds of thousands of dollars in internal revenue. We annually pay hundreds of thousands of dollars to the post-office department. We are permitted no voice in the expenditure of this money.  
 We pay heavy taxes for the support of our public institutions. We pay heavy taxes to support our schools, while we are not permitted to sell an acre of our vast domain of school lands to lighten our burdens.  
 We are deprived of justice. Our courts are notoriously inadequate. Men charged with crime are denied speedy trials. Sometimes they are confined in jails from one to two years, only to be found innocent when tried. Civil cases are so far behind that men will suffer any sacrifice rather than risk a cause in court. But six judges are provided for our vast territory and population. And Congress will give us no more. Civil cases five years old stand on our calendars untried, and litigants have constantly clamored for trial. Why are these things permitted to be? Simply because we are republicans. This is the head and front of our offending. For this our requests are slighted. For this our grievances are made the sport of the House of Representatives. For this we are subjected to all manner of political oppression.  
 Hear us further: The republicans in Congress have used every effort for our relief. The democrats in Congress have bestowed every effort to keep us in our present condition. They announce openly that they do not propose to admit two republican states. And in



truth they never intend to admit one. One recognized democratic leader recently declared that Congress can, at its option, keep us in this state of vassalage forever. Twice has the republican Senate passed bills for the division and admission of Dakota, only to see them killed in the democratic House of Representatives. Our only hope for relief is in the election of a republican Congress. We now make a personal appeal to every voter in America to come to our assistance. If you are a democrat, consider our condition. For once lay aside partisan feeling and come to the relief of an oppressed people. This you can do by casting your vote for a republican congressman. In no other way can you serve us. Because the majority of the democrats in Congress are inflexibly opposed to us, and the caucus is king. We here rest our case. Again affirming our oft-repeated declaration that we are unalterably opposed to the admission of Dakota as one state, and that we will resist such action by all constitutional means, we appeal for justice and assistance to you who have the power to help us, for we are helpless.

The Committee on Resolutions then presented the following resolutions which were adopted unanimously, after which the convention adjourned:

The republican party of Dakota, in convention assembled, takes this opportunity of renewing allegiance to the principles of the national republican party.

Resolved, That we are proud of its history and its achievements, and believe the day not far distant when it will be returned to power.

Whereas, We hail the advent of another presidential campaign, confidently believing that the discussions to be had this year will inform the people of the treatment the Territory of Dakota has received at the hands of the democracy, and hasten the recognition of our political rights;

Resolved, That the most vital questions to the people of Dakota at this time are those of boundaries and statehood, and we arraign the democratic party for the political crime of denying to Americans, who are rich in all the elements of enlightened civilization, the most cherished right of citizenship, and for the equally grave offense of attempting to dictate the policy in a territory embracing 150,000 square miles of land against often repeated and earnest requests for division of the same, ratified by a majority vote of the people. Having experienced the evils of an oversized territory in the increased cost of administration, and a tendency to ring rule by reason of the inability of the people to participate in representative assemblies, we demand and will continue to resist all attempts to make these evils the perpetual heritage of posterity. That as our only adequate protection we demand the division of Dakota east and west, on the line of the seventh standard parallel, and the immediate admission of the two parts into the Union as the states of South Dakota and North Dakota, as a right, by virtue of the wealth, population and resources of each. That we heartily endorse the action of the republican senators in Congress in the passage of the bill for division and statehood, and we assure our friends in the House of Representatives that their efforts in our behalf are warmly appreciated. Be it

Resolved, That while tariff revision is from year to year necessary, there is no relief afforded in the democratic measures now before Congress, which, under the pretense of reform, is not intrinsically political and sectional in its nature. We believe that a reasonable protective tariff is for the best interests of the country and the people, and such tariff should protect American labor and American industries yet in their infancy. That protection to the agricultural interests and labor deserves consideration in an equal degree with protection to manufacturing interests. That as far as consistent with protection to American labor and American industries, the tariff should be confined to the luxuries of life against the necessities. That a revision of the tariff should be in the hands of its friends and not in the hands of its enemies. Gratified at the patriotism of the nation which enabled the republican party to achieve their great objects, we acknowledge that there yet remains much noble work of statesmanship to be accomplished. There are relics of barbarism only partially eradicated still contesting their right of supremacy, and among them are polygamy and intemperance.

Resolved, That we denounce the doctrines of civil service reform as practiced by the present administration in this territory, as a fraud, a delusion and a snare, and we view with disgust the action of an executive, with powers unlimited as a despot, indicating and controlling the action of caucuses and conventions.

The ten delegates and alternates elected by the Territorial Convention attended the National Convention in Chicago June 17-20, and when Colonel Thurston of Nebraska, who had been elected temporary chairman, concluded his address, Judge G. C. Moody, chairman of the Dakota delegation, got the floor and moved that the Territory of Dakota be allowed to cast ten votes instead of two. The temporary chairman announced in reply that the National Committee had recommended and allowed Dakota ten votes and Washington Territory six votes.

John Sherman of Ohio was the leading candidate for the republican nomination. Other candidates were Alger, of Michigan; Cresham, of Kentucky; Lincoln, of Illinois; Rusk, of Wisconsin; Harrison, of Indiana; Depew, of New York; Blaine, of Maine; Allison, of Iowa. Sherman, Alger and Cresham led the balloting the first day. Dakota's ten votes were given to Benjamin Harrison from the first ballot, making Harrison ninety-five votes out of a total of 878.

Benjamin Harrison of Indiana was finally nominated for President, and Levi P. Morton of New York for vice president. Dakota's ten votes were cast for Harrison on each ballot.

The finance committee of the Huron Statehood Convention raised \$25,000 as a campaign fund, \$5,000 of which was contributed to the National Committee. They selected ten speakers from the territory who were assigned to several doubtful districts in the Eastern states. Col. W. C. Plummer, then of Casselton, made speeches during the summer and fall in Maine, New York, Indiana, and Virginia. The other speakers were Judge Edgerton, G. C. Moody, H. J. Campbell, John A. Owen, John R. Gamble, O. S. Sanford, Judge Brookings, Mr. Ramsey, of Woonsocket, and Johnson Nickens, ex Governor Pierce, A. C. Mellette, and Chas. Williams, of Watertown.

#### DEMOCRATIC TERRITORIAL CONVENTION FOR ELECTION OF NATIONAL DELEGATES

The Democratic Central Committee met at Bismarck on the last day of March, 1888, and called their territorial convention to elect delegates to the Democratic National Convention which would meet at St. Louis in June. Watertown was chosen as the place of holding the convention which would be held May 21st. No place was named or date set for the convention to nominate a delegate to Congress. The basis of representation was fixed at one delegate for every 200 votes cast for M. H. Day for delegate in 1886.

The peculiar division in the democratic party of Dakota at this time was not without its influence upon the history of Dakota. In general terms it may be said that M. H. Day represented the rank and file of the party, while Governor Church represented himself and his territorial appointees and possessed a certain influence north because of his official position. But he was not regarded by the people generally as a representative of anything substantial or valuable, and neither his words nor deeds were in accord with a governor who desired to do what was best for the territory. He appeared to be seeking to gain control of the democratic organization for the purpose of increasing his political standing at Washington and among prominent democrats. He was not a Dakotan and could not have intended to become one. In this respect he was very like Ordway.

Day was a Dakotan and his course had all along been consistent with his declaration that he sought only what was best for the territory and his party. In such a contest the people, regardless of party, upheld Day and suspected Church.

The conventions of the democratic party of Dakota Territory had enjoyed a reputation for peace and good order from the beginning up to 1888, when a simon pure New York democrat, having been made governor by President Cleveland, undertook to introduce some of the features of the Empire State method of doing things political, which resulted in transforming Dakota's orderly and brotherly democratic assemblies, in many instances, into veritable beer gardens. From decorous and fraternal associations, whose membership seemed governed by a hearty desire to give all the honors of position to his neighbor, there was turbulent strife to secure these places for himself or his dependable friend. The dove of peace had forsaken or been banished from democratic councils and in its place the hungry and angry vulture had succeeded.

The Territorial Democratic Convention that met at Watertown May 2d, to elect delegates to the National Convention to be held in St. Louis was an unpleasant affair because of its Church and anti Church factions which were unreconcilable, and resulted in two conventions. Both conventions favored the

renomination of Cleveland for President (who had no opposition to speak of from any quarter), but were divided upon territorial matters, the causes being duly set forth in a statement made by the Day Convention, preparatory to having the governor impeached. The total number of delegates provided by the call was 412.

There were numerous contests from the counties, so that the temporary organization of the convention became a matter of the utmost importance, for it would undoubtedly control the convention, and in order to secure this the Democratic Central Committee held a meeting just prior to the assembling of the convention and resolved that all the delegates elected should submit their credentials to the committee and that body would decide which delegations should be admitted to the convention and allowed to participate in the temporary organization. There were twenty-eight members of this committee, seventeen of whom were known to be partisans of Governor Church and who it was claimed would admit enough of the Church contestants to control the organization. The remainder of the committee, including the chairman, Judge Bangs, of Grand Forks County, demurred to this unprecedented and arbitrary resolution of the Central Committee and refused to recognize it, and as no particular place had been named in which the convention should be held, Judge Bangs, the chairman, summoned the delegates to meet at Music Hall for organization, which took place at noon, May 2d. Accordingly the delegates who recognized the authority of the chairman, assembled at that hall and were called to order by Chairman Bangs and elected H. H. Reeves of Bon Homme County chairman, and Charles Parrot of Clark County and W. O. Fraser of Codington County, secretaries.

There had been no bolt; no disorderly proceedings.

Judge Bangs in a brief speech reviewing the action of the Central Committee, stated, "Should your credentials go into their hands, you would have no more show than a feather in the hottest corner of—well, you know where."

As there were sixteen counties present with double header delegations, as they were called, it was estimated that in place of 412 delegates, the combined number in both conventions, many represented by proxies, was over five hundred.

Mr. Day, who was present as a delegate from Bon Homme County, made a few remarks in which he paid his respects to Governor Church, at the opening of the convention.

The chairman then appointed the following committees, on motion:

Committee on Credentials—N. H. Wade, Deuel County; F. M. Hopkins, Edmunds County; G. W. Barrows, Pennington County; Chas. Furbur, Marshal County; Chas. Keith, Brookings County; J. E. Thacker, Pembina County; Mr. Lavalley, Traill County.

Committee on Resolutions—W. R. Brierly, Grand Forks County; C. J. B. Harris, Yankton County; Henry Walsh, Spink County; B. Reeves, Traill County; Ed Flynn, Custer County; George Engle, Brown County.

Committee on Permanent Organization—G. W. Pratt, Charles Mix County; F. L. Rice, Dickey County; E. H. Compton, Day County; Edmund Cook, Roberts County; P. H. Wilson, Faulk County; Peter Couchman, Walworth County; Ira Bellows, Morton County.

The Committee on Credentials reported 309 uncontested delegates, who were admitted to seats in the convention.

The Committee on Resolutions reported resolutions endorsing President Cleveland. Also resolutions condemning Church and other office holders for the violation of Cleveland's letter of July 14, 1886, regarding pernicious activity in politics, also commending and endorsing M. H. Day. At Mr. Day's request the latter resolution was withdrawn and the others adopted. The temporary organization was made the permanent organization, on motion of the committee.

The following gentlemen were then elected delegates to the National Convention of the democratic party, to-wit: Judge Bangs, Grand Forks County, and



T. J. Walsh, Spink County. Alternates, Capt. S. V. Arnold, Edmunds County, and F. B. Morgan, Bon Homme County.

The platform endorsed the platform of the national democratic party, favored just and equitable pension laws, favored minority representation, sympathized with the Irish people in their efforts to obtain home rule, and arraigned the republicans of Dakota for their extravagance and mismanagement in conducting the affairs of the territorial government. It was opposed to constitutional prohibition as demanded by the republican party of South Dakota and favored a well regulated license law, which is accepted by the democracy of the country as the best method of controlling the traffic in intoxicating liquors and of lessening the evils of intemperance.

#### IMPEACHING GOVERNOR CHURCH

The following statement arraigning Governor Church and his administration was presented by Mr. Brierty, a delegate from Grand Forks County, and passed, though there was a few dissenting votes:

The unintimidated democratic voters of Dakota Territory, by their legally chosen delegates in convention assembled, hereby arraign Louis K. Church, and his office holding emissaries, for flagrant violations of President Cleveland's wise and just order of July 14, 1886, given as a guide to the end that the civil service of the country might be removed from the baneful influences of corrupt political schemes.

We charge Louis K. Church with having both directly and indirectly attempted to influence caucuses, county conventions, and the territorial convention, by threats and promises, in that he, by his agents, threatened postmasters and others with removal if they did not support his faction, and promised appointments as postmasters, land officers, attorney generals and United States district attorneys to men for their endorsement of his imbecile, partisan and trafficking administration.

We further charge that in this indecent and unfair attempt to throttle the honest voters of the territory, he compelled every member of his military staff, the members of the railroad commission, the various boards of public institutions, the regents of universities, reform schools, the democratic judges, and their imported clerks, to do his disreputable work, and engage in packing caucuses with non-residents and repeaters, capturing personal endorsements from county conventions controlled by fraudulent proxies and contests, methods which have caused the people to revolt at such dishonest tactics, and bring disrepute upon a party which was in a fair way to grow in numbers and influence, under the national policy.

We arraign Louis K. Church, as governor of Dakota, for having bartered his appointments away to republicans for his own advantage, and having insulted and betrayed the members of his party, who were democrats before he was even a voter, and that he has called to his councils a horde of mackerel traders, who are incapable of comprehending the force of the maxim that "a public office is a public trust." He has wielded his executive club over the Legislature, threatening with his veto measures that did not conform to his ideas of propriety, and promising his approval on bills with jobs in them for his special friends as well as himself.

As commander-in-chief of the militia of Dakota, he appointed a large number of civilians on his staff whom he has sealed to his service by methods more honored in the breach than in the observance, and has squandered at one encampment the appropriation of the Legislature made for two.

As recognized dispenser of patronage for Dakota, he has vilely abused his trust and betrayed the confidence of the President, by making recommendations and making appointments suited the purpose of his personal schemes, and he has secured the appointments to office of republicans over worthy democrats.

He has further been charged with appealing personally for the retention of Judge Francis in the Sixth Judicial District, after his resignation had been requested by the department of justice, on investigation of charges, and he has never seen fit to deny the charge.

He has sought to defraud and intimidate the democracy of Dakota out of its rightful voice in the matters which rightfully concern it as representative of freemen, and thus brought shame and reproach upon the party and upon his already impeached democratic nomination holding, notwithstanding the demands of Dakota and the requirements of President.

Of his manifold acts of incompetency, indecency and breaches of public decorum, we will not speak. His public acts and utterances, revealing as they have, the utter lack of propriety and wisdom of an intelligent and responsible official, have been a constant reproach to the democracy of the territory. His administration of affairs in general, and in particular as governor of Dakota, has been unrelieved by a single act of enlightened statesmanship, or wise public policy, and a continuation of his incompetency will leave the territorial treasury in bankruptcy, irreparable, the democracy



hopelessly divided, and reflect upon the administration discredit such as will cause thousands of independent voters to desert our phalanx in the great national contest near at hand.

We therefore respectfully but firmly petition, as is our constitutional right to do, that this monstrous imposition be removed without delay, and that some reputable, unfactional democrat of Dakota, familiar with the wants and necessities, and in harmony with the spirit of our democracy, be appointed in his place.

A committee of five was then appointed, consisting of M. H. Day, of Bon Homme County; W. R. Brierly, of Grand Forks County; W. H. Huntley, of Brown County; George S. Engle, of Hughes County, and C. J. B. Harris, of Yankton County, for the purpose of preparing specific charges and to collect the necessary testimony for the impeachment of Gov. Louis K. Church.

Upon motion the convention adjourned sine die.

#### THE CHURCH FACTION CONVENTION

The Church wing of the democratic party assembled at Armory Hall and was called to order by L. G. Johnson, of the Central Committee. Captain Stoddard of Sioux Falls was elected temporary chairman, and H. J. Henry, of Redfield, secretary. Upon call of the counties each delegation handed its credentials to the secretary, after which Mayor Gesley welcomed the delegates to the City of Watertown, and was followed by the Hon. C. G. Williams, whose remarks were also designed as further emphasizing the generous welcome extended by the mayor. Mr. Johnson then explained why Chairman Bangs was not present, and paid his respects to the members of the body assembled at Music Hall with whom Chairman Bangs was acting.

The following committees were then appointed by the chairman:

Committee on Credentials—M. Kauffman, of Minnehaha County; J. D. Bauer, of Lawrence County; M. Ryan, of Aurora County; E. A. Williams, of Burleigh County; Seth Lowell, of Cass County; D. C. Erwin, of Brown County; Chas. Freeman, of Union County.

On Permanent Organization—John Thompson, of Burleigh County; B. R. Frowley, of Lawrence County; H. C. Carpenter, of Sanborn County; R. James, of Pembina County; M. Fitzgerald, of Lake County; A. F. Kellar, of Kingsbury County; and James McHugh, of Foster County.

C. H. Price, of Highmore, moved the appointment of a committee on resolutions, but the chair ruled the motion could not be entertained until after the permanent organization. The convention then adjourned until 7.30 P. M., to give the Credential Committee time to make up its report. It reconvened at 7.30, when the Credential Committee reported.

The Committee on Permanent Organization reported, recommending L. G. Johnson for permanent chairman; G. F. Shut, of Grand Forks, for secretary; G. F. Noble, of Bottineau, first assistant secretary; James P. Dalton, of Jerauld County, second assistant secretary.

Chairman Johnson then made an address which was principally devoted to bringing to the light the shortcomings of the republicans, who, he said, were directing their arrows at the vitals of the democratic party. And in the fight he asked to be planted where the shafts fall thickest.

#### AT THE NATIONAL DEMOCRATIC CONVENTION

The only contest the National Democratic Convention was called on to decide was brought on by a conflict between the two Dakota delegations, which were characterized by the members as the "Home Rule," and "Carpetbag" factions. Thomas Walsh and Judge Bangs presented credentials from the former, and Messrs. Maguire and Colonel Steele were accredited by the latter. The "Home Rulers," it was reported, had a large contingent working up support.

The Dakota delegates were excluded from the committees because of the contest.

The Dakota delegation headed by Governor Church reached St. Louis June 5th on the same train with the Minnesota delegates. There were twenty-eight in Church's party. They were driven to headquarters of the Church delegation, at the Lindell Hotel. The Day delegates were quartered at Huron. Day had been in the city since the 3d, and had been a busy man. He expressed confidence that his delegates would be seated in the convention. He said the fight would be in the Credentials Committee. The Day delegates, A. W. Bangs and Thomas J. Walsh, had been on the ground since the 3d.

The report of the Committee on Credentials, seating W. F. Steele and H. L. Maguire, the "Church faction" from Dakota, was presented June 6th and adopted unanimously.

The defeat of the Day delegates was not a defeat that left a sting. It was supposed that Governor Church brought unusual pressure to bear on the Southern delegates, making much of the importance of upholding Mr. Cleveland's appointee for governor. It was claimed that the Committee on Credentials spent four hours "thrashing out" the Dakota case. Day's forces were finally beaten before the committee by two votes. Virginia and Maryland, however, made an earnest fight for the home rule delegates, as Day's delegates, Bangs and Walsh, were termed.

Hon. M. H. Day, after his experience in this Democratic Convention, returned to his mining enterprise at Lookout, in the Black Hills.

President Cleveland was renominated by the convention by a unanimous vote, and Allen G. Thurman, of Ohio, was named for vice president.

Eighteen hundred and eighty-eight was a memorable year in the great Territory of Dakota—a year long to be remembered. There was portent of an important change and this was so confidently expected, that the anxiety that had been experienced by the great body of citizens regarding the political situation in Dakota, seemed to have disappeared and its place taken by a feeling of hopefulness. The opposition to division remained, led by Governor Church and his official family, numbering over one hundred persons, and a few other prominent people, with ex-Governor Ordway in Washington pressing the one-state plan wherever he could discover an inviting place to work for its promotion; but in Dakota, north and south, there was union of hands and brains, and efforts now, in favor of two states where heretofore there had been the effort for one state and one territorial organization. The northern half of Dakota had grown out of the territorial class and could now present all the requirements demanded from an applicant for statehood.

Mr. Cleveland had been re-nominated for president, with Allen G. Thurman, of Ohio, for vice president. It was not doubted that the democrats, if they maintained their control of Congress, would insist upon the admission of Dakota as one state, for that had been their programme for two or three years, therefore statehood could be easily secured for the entire territory from that party, and though a majority of the people of the territory were opposed to this plan, there is no foretelling what might have been the result with a democratic Congress, President and the territorial officers from governor down all favoring the one-state plan, with the central counties of the territory also inclined that way. The changing sentiment in Northern Dakota during the new administration of Governor Church, as witnessed by the vote of 1887, indicated that public opinion was liable to vacillate.

With the election of Harrison and Morton, however, and a republican House, it was felt that the two-state plan would be victorious. Mr. Harrison, as senator, had already actively exerted himself in behalf of the admission of South Dakota and a territorial organization for the northern half. The election of Harrison meant the election of a republican majority in the House of Representatives, that branch of Congress which had thus far defeated the efforts for division. The Republican National Convention had done its work with excellent judgment, if it was guided by judgment, though it might seem that

the result was not premeditated from the outset, but was, possibly, fortuitous. Benjamin Harrison was a ripe statesman of unblemished character and reputation, a grandson of a president and a citizen of Indiana. The latter qualification of the first importance as insuring Indiana, a doubtful state, for the republican ticket. The vice president was Levi P. Morton, of New York, another doubtful state, and because of its large electoral vote, one of the states of first importance in presidential elections. Cleveland had carried it four years before over Blaine by the narrow margin of about twelve hundred or thirteen hundred majority. The outlook for Harrison's success was promising when the nomination was made, and it lost none of its encouraging features during the campaign.

#### CALL FOR REPUBLICAN TERRITORIAL CONVENTION

The following call was issued March 30th by the Republican Territorial Committee for a delegate convention to nominate a candidate for delegate to Congress:

The Territorial Republican Convention to select a candidate for delegate to Congress will be held at Watertown, Wednesday, August 22, 1888, and be called to order by the chairman of the republican central committee at 1 o'clock P. M.

In said convention the county representation will be one delegate for every 200 votes or a major fraction thereof of the total vote cast for delegate to Congress in 1886. All organized counties not having voted at that time will be entitled to one delegate each, upon the presentation of a certificate from the proper territorial officer of such organization. The convention will consist of 527 delegates, apportioned among the counties named as follows: Aurora, 7; Barnes, 9; Beadle, 12; Benson, 2; Billings, 2; Bon Homme, 8; Bottineau, 2; Brookings, 9; Brown, 15; Brule, 9; Buffalo, 1; Burleigh, 6; Butte, 1; Campbell, 3; Cass, 20; Cavalier, 6; Charles Mix, 4; Clark, 7; Clay, 7; Codrington, 7; Custer, 4; Davison, 7; Day, 7; Deuel, 5; Dickey, 7; Douglas, 6; Eddy, 2; Edmunds, 6; Emmons, 2; Fall River, 1; Faulk, 5; Foster, 2; Grand Forks, 17; Grant, 7; Griggs, 4; Hamlin, 4; Hand, 9; Hanson, 5; Hughes, 5; Hutchinson, 7; Jerauld, 4; Hyde, 3; Kidder, 2; Kingsbury, 7; Lake, 6; LaMoure, 5; Lawrence, 21; Lincoln, 7; Logan, 1; McCook, 6; McHenry, 1; McIntosh, 1; McLean, 2; McPherson, 2; Marshall, 5; Mercer, 1; Miner, 7; Minnehaha, 18; Moody, 6; Morton, 6; Nelson, 5; Oliver, 1; Pennington, 8; Pembina, 15; Potter, 4; Ramsey, 7; Richland, 5; Ransom, 7; Roberts, 3; Rolette, 2; Sanborn, 6; Sargent, 6; Spink, 18; Stark, 3; Steele, 4; Stutsman, 8; Sully, 3; Towner, 1; Traill, 11; Turner, 7; Union, 8; Walsh, 18; Walworth, 2; Ward, 1; Yankton, 10; Wells, 1. Total number of counties, 86.

#### REPUBLICAN TERRITORIAL CONVENTION

The preliminary delegate campaign on the republican side in 1888, was quite spirited. There were a number of candidates, and notwithstanding the probable early advent of statehood great interest was felt in the result of this year's election, owing to the general impression that it would have an important influence in promoting division and statehood for two states. The principal contention was based on sectional grounds, the northern sentiment favoring and supporting Harrison Allen, of Fargo, the United States marshal for the nomination for delegate, while the southern sentiment was divided, Mr. Gifford, the incumbent being a candidate, while Minnehaha County had endorsed Hon. Melvin Grigsby, who was also supported by other counties. Judge C. S. Palmer, of Sioux Falls, was also in the field as the candidate of the Ordway republicans, and had the favor of the prohibition people partially; and quite late in the pre-convention campaign, Hon. Geo. T. Matthews, of Brookings County, came into the field as the candidate of Central Dakota, where there was supposed to be a strong anti-division sentiment.

Hon. Melvin Grigsby, of Sioux Falls, had been put forward by the republican party of Minnehaha County, as a candidate to succeed Judge Gifford, who was then filling his second term. Mr. Grigsby was a veteran of the Civil war with an honorable and distinguished record, a pioneer settler of Dakota, a lawyer of ability, and withal a student of questions connected with the welfare of the people, upon which he had opinions of his own. He was something of a



pioneer in the march of progress which was beginning to be noticeable in the trend of public sentiment on governmental questions, and in an address delivered at the celebration of Memorial Day, 1888, in Sioux Falls, he alluded to the possibility of future serious trouble growing out of certain menacing conditions which the unprecedented growth, development and apparent prosperity of the country since the close of the Civil war had brought about. He said in part:

One danger to the republic is the centralization of wealth and the tendency of wealth to trample on the rights and privileges of the laboring classes. As men become millionaires, the condition of those dependent on their daily toil for support becomes more burdensome and their future more discouraging.

Within the past three decades enormous fortunes have been made by the law with startling rapidity, and most of the fifteen thousand millionaires in America have amassed their great fortunes within that time. While this centralization of wealth is in progress, the laborer, the artisan, the farmer and the middle classes are growing poorer. The organization of trades unions, labor leagues, farmers' alliances, and the like, are the outcome of the mad race for colossal fortunes, and strikes and combinations against capital came in their train.

The organization of trusts menaces the future of the element which is antagonizing wealth, and the country is now only in the incipency of that new form of business organization for the acquirement of unlawful gains. Growing out of the conflict between these opposing elements, a danger greater than the danger of African slavery may be apprehended, and African slavery once deluged the land in blood.

The convention assembled at Watertown August 22d, and a temporary organization was effected, after much button holing by the election of S. C. Nash, of Beadle County, for temporary chairman, a friend of Judge Campbell, against John E. Bennett, of Clark County, the Gifford candidate. Nash's majority was four votes. While this was the result of the vote, it indicated nothing as to the strength of the several candidates, and the frequent avowal was heard that no convention had ever been held in the territory where the opening proceedings afforded so little light on the outcome. The contest from Lawrence County attracted much interest. If the Moody faction won it would support Gifford; if the Bullock faction should be seated it would add Seth Bullock to the list of candidates. Lawrence cast twenty-one votes, the largest of any county.

The proceedings of the organization, more in detail, show that Chairman Allen called the convention to order, and Reverend Mr. Updyke, of Watertown, offered prayer. Charles P. Howard, of Redfield, Spink County; John E. Bennett, of Clark; J. H. Patten, of Miner; and S. C. Nash, of Beadle, were placed in nomination for temporary chairman. A ballot being taken, the northern delegates, aided by Spink County and other friends of Howard, cast 240 votes for Nash, as against 242 for Bennett, electing Nash. This looked like a victory for Allen. It was a long struggle. R. W. Wheelock, of Davison, W. R. Ruggles, of Edmunds, and J. A. Frye were elected secretaries, and without attempting further business the convention adjourned until evening.

The convention was made up of 528 delegates, allotted in this manner: to Northern Dakota, 100; to Central Dakota, 157, and to South Dakota, 172 votes, as follows:

North Dakota—Barnes County, 0; Benson, 2; Billings, 1; Bottineau, 2; Burlington, 6; Cass, 20; Cavalier, 6; Dickey, 6; Eddy, 2; Emmons, 2; Foster, 2; Griggs, 4; Grand Forks, 17; Kidder, 2; LaMoure, 5; Logan, 1; Mercer, 1; McHenry, 1; McLean, 2; McIntosh, 1; Morton, 0; Nelson, 5; Oliver, 1; Pembina, 15; Ramsey, 7; Ransom, 7; Richland, 10; Rolette, 2; Sargent, 0; Stark, 3; Stutsman, 8; Steele, 4; Towner, 1; Traill, 11; Walsh, 18; Wells, 1; Ward, 1.

Central Dakota—Beadle, 12; Brown, 15; Brookings, 10; Campbell, 4; Clark, 7; Codrington, 7; Day, 7; Deuel, 5; Edmunds, 0; Faulk, 5; Grant, 7; Hamlin, 4; Hand, 0; Hyde, 3; Kingsbury, 7; Marshall, 5; McPherson, 3; Potter, 4; Roberts, 3; Spink, 18; Sully, 4; Walworth, 2.

South Dakota—Aurora, 7; Brule, 7; Bon Homme, 8; Butte, 1; Buffalo, 1; Clay, 7; Chas. Mix, 4; Custer, 4; Davison, 7; Douglas, 5; Fall River, 1; Hanson,



5; Hutchinson, 7; Jerauld, 4; Lake, 6; Lawrence, 21; Lincoln, 7; Miner, 7; Minnehaha, 18; McCook, 6; Moody, 6; Pennington, 8; Sanborn, 6; Turner, 7; Union, 8; Yankton, 10.

When the convention reconvened in the evening Chairman Nash appointed the following committees:

On Credentials—W. C. Arnold, Beadle County; Sidney Mann, Kingsbury; O. C. Bashford, Spink; W. E. Dodge, Cass; F. LeCocq, Douglas; H. Hanson, Deuel; J. W. Fowler, Pennington; Wm. Elliott, Turner; C. A. VanWormer, Hughes.

On Resolutions—A. Thomas, Kingsbury; E. H. Huntington, Day; A. J. Edgerton, Davison; J. H. King, Pennington; Alex Hughes, Burleigh; Mr. Harkinson, Richland.

On Permanent Organization—Joseph Allen, Turner; E. Huntington, Day; R. Buchanan, Minnehaha; G. W. Goodman, Ransom; G. W. Hopp, Brookings; B. J. B. Kelley, Beadle; C. E. Boyden, Codington; D. W. Yorkey, Walsh; H. Baldwin, Stutsman. The convention then adjourned until 10 A. M., the 23d.

Upon reconvening the Committee on Credentials submitted two reports on the contested case from Lawrence County, one signed by five of the committee, favoring the Moody delegation, and the other by four, favoring the Bullock faction. The issue was a peculiar one and hinged on the official standing of the men who called the Lawrence County convention to order. The chairman of the county committee organized the convention but it was claimed that he had forfeited his right to officiate by removal from the county. The Moody faction held that he had the right to officiate. To this the other faction, called the Bullock faction, dissented, and another member of the County Central Committee called a second convention to order in the same room, and each of these conventions selected delegates to the territorial convention.

Doctor Harding presided over the Moody faction, which selected as delegates: G. C. Moody, W. H. Parker, J. A. Harding, D. Corson, F. J. Washbaugh, William Whealon, Geo. Beemer, L. P. Jenkins, F. M. Allen, Walter E. Smead, George Wadge, Hugh McKenna, J. W. Freeman, Chas. Weeden, L. W. Valentine, F. M. Rood, John T. Potter, H. A. Carpenter, E. T. Marshall, C. C. Grimm, Victor Dorne.

The Bullock convention was presided over by ex-Judge W. E. Church, and selected as delegates: Seth Bullock, A. J. Plowman, W. E. Church, W. W. Giddens, T. D. Edwards, Hy. Court, James Conzette, Chas. Hathaway, J. P. Belding, Ed. Van Cise, A. W. Hastie, Stewart Thompson, Frank Welch, Hy. Wytembach, G. G. Bennett, Porter Warner, Chas. Traver, Geo. H. Hurmort, H. Bischoff, J. H. Burns.

Both delegations were in favor of division and admission. The Moody delegation, however, favored the renomination of Judge Gifford, and the Bullock delegation favored the nomination of a Black Hills man, Seth Bullock preferred, and believed the situation at Watertown would be such as to favor a Hills candidate.

The report of the Credentials Committee on this case led to a long debate on the question of adopting either the majority or minority report, the ablest speakers in the convention taking part. The question finally came to a vote and the majority or Moody faction was seated by a vote of 285 for the majority report to 222 for the minority. The result encouraged the Gifford people.

The following named delegates were accorded seats in the convention:

Aurora County, B. H. Sullivan, A. Anderson, Mr. Bartow, D. A. Mather; Brookings County, G. A. Matthews, G. W. Hopp, Samuel Mortimer, Martin Trygstad; Pembina County, Judson LaMoure with proxies, Grant Hayes; Pennington County, John H. King, J. W. Fowler, John Brennan, J. B. Gossage; Kingsbury County, A. Thomas, Sidney Mann, A. C. Whiting, A. Barnes, John A. Owen; Beadle County, S. C. Nash, W. C. Arnold, John Cain, J. B. Kelley, A. Davis, J. W. Shannon; Spink County, Chas. P. Howard, O. C. Basford, H.

P. Packard, Dr. Issenluith, E. W. Foster, Doctor Kutniewsky; Clark County, John F. Bennett, P. J. Conklin, S. H. Elrod, C. G. Sherwood; Cass County, W. E. Dodge, E. C. Garry, A. B. Tyler, A. D. Thomas, A. W. Edwards, Harrison Allen, W. C. Ball, J. E. Haggart, John Miller; Douglas County, F. LeCocq, W. E. Tilton, Thos. Roberts; Deuel County, H. H. Herrick, H. Hanson, Deane Robinson, A. W. Goodwin; Turner County, Wm. Elliot, C. A. VanWormer, Jo. Allen, C. F. Hackett, Vale P. Thielman, Wm. Aurner, C. B. Valentine, S. D. Childs; Day County, F. H. Huntington, D. Williams; Burleigh County, Alex. Hughes, A. Linn, John A. Stoyell, E. A. Williams, Geo. L. Ordway; Richland County, Mr. Harkinson, A. W. Deming, John Q. Burbank, W. E. Root, Jas. Blanding, Fred Balley, P. J. Mcumber, Minnehaha County, R. Buchanan, R. F. Pettigrew, E. W. Caldwell, B. I. Campbell, C. L. McKinney; Ransom County, G. W. Goodman; Walsh County, D. W. Yorkey, W. A. Mitchell; Stutsman County, H. Baldwin, Johnson Nickeus; Brown County, W. C. Allen, C. T. McCoy, R. A. Mills, S. H. Jumper, Edward Lear, C. W. Starling, from Aberdeen, W. C. Allen and J. C. Kindschi, Groton, P. E. Taylor, Columbia, Geo. M. Drum, Frederick, L. C. Turner, Warner, T. E. Camburn, Riverside, F. Luse, Ordway, Geo. W. Krum, Claremont, J. J. Barnes, Westport, J. J. Jennings, Rondell; Brule County, A. J. Kellam, J. T. Stearns, D. H. Henry, C. M. Gregory, Dr. D. Miller, J. B. Long, Edward Beemer; Codington County, J. E. Keeley, J. E. Westover, J. B. Sweet, C. E. Boyden, D. A. Rankin, I. F. West, A. D. Chase, J. H. Rogers; Miner County, Thos. McConnell, J. H. Heatten, W. W. Gorton, J. W. Loofburrow, Geo. R. P. Farmer, L. W. Aldrich, B. B. Saunders, Jr., J. H. Patten; Hutchinson County, J. E. Hipple, G. W. Murner, M. K. Bowen, Christian Buechler, W. A. Williams, G. W. Marchant, W. C. Bintliff, Chris Guenther; Nelson County, F. H. Kent, D. S. Dodds, H. K. Stearns, O. O. Forde, M. S. Searl; Hughes County, Johnson, J. C. MacManima, Besancon, Greenard and Lukes; Union County, A. O. Ringsrud, N. A. Kirk, John Larson, L. T. Kenny, Duncan Ross, A. D. Kellar, J. W. Ellis; Davison County, A. J. Edgerton, R. W. Wheelock, Geo. A. Johnston, T. F. Mentzer, H. D. Wiard, A. B. Kelsey, David Cole; Yankton County, R. J. Gamble, E. E. Hudson, J. P. Crennan, A. W. Howard, Peter Huber, E. G. Smith, J. A. Potter, Newton Edmunds, Anton L. Pfeiffer, A. O. Saugstad; Lawrence County, G. C. Moody, W. H. Parker, J. A. Harding, D. Corson, F. J. Washabaugh, William Wheaten, Geo. Boomer, L. P. Jenkins, E. M. Allen, Walter E. Smead, George Wadge, Hugh McKenna, J. W. Freeman, Chas. Wooden, L. W. Valentine, F. M. Rood, John T. Potter, H. A. Carpenter, E. T. Marshall, C. C. Grimm, Victor Dorne; Minnehaha County, R. F. Pettigrew, S. E. Young, J. F. Norton, G. A. Uline, B. F. Campbell, W. E. Willey, C. E. McKinney, W. R. Burkholder, W. F. Kelley, J. B. Watson, E. W. Caldwell, R. Buchanan, A. B. Kittredge, Austin Risty, Chris Wangness, M. R. Kenefick, C. A. Lindstrom, W. Warner; Custer County, A. D. Clark, A. P. Smith, J. A. Stanley, Logan Ayres; Butte County, Judge W. J. Larimer and S. A. Wheeler; Clay County, E. A. Burgess, John Noxia, F. E. Jones, A. O. Hubbard, A. R. Persol, W. F. Mayer, George Richardson; Emmets County, Wm. A. Wade and E. L. Herrick; Eddy County, J. A. Schring and H. M. Clark; Grand Forks County, S. S. Titus, H. R. Rucker, W. J. Anderson, A. B. Ward, J. G. Hamilton, George B. Winslap, Rolla Noxes; Hyde County, Wm. Wooley, R. O. Parker, F. O. Vines; Hand County, W. H. Kephart, B. D. Milan, J. H. Baldwin; Jerauld County, T. W. Lane, W. W. Hallis, J. E. Reynolds, L. F. Russell, R. S. Vessey, W. H. McMillan; Kidder County, John Van Leusen, of Tappan, Benjamin Gehlens of Dawson; Lincoln County, W. M. Curretti, Thos. Thorson, W. B. Wait, W. F. Dunham, Trasier Gilman, H. Erdmann, A. P. Dixon; McPherson County, Charles N. Herried, F. H. Hooper and A. G. Barnard; McLain County, John Satterlund, chairman, S. A. Falconer; McHenry County, W. D. McClintock; Ramsey County, John A. Percival, John F. Cowan, D. McLeod, T. S. Boulton, S. L. Wineman, Joseph Graham, George Copeland; Stark County, N. C. Lawrence, George Auld, T. S. Underhill, George Lee; San-

born County, John T. Kean, S. T. Winslow, C. H. Van Tassell, Hiram Rhodes, H. H. Heath, H. E. Mayhew; Bottineau County, J. R. Hagar; Clark County, S. H. Elrod, J. H. Conklin, B. B. Bennett; Charles Mix County, E. L. Bates; La Moure County, Waldo M. Potter; Miner County, J. H. Patten, R. S. Persons, G. R. Farmer; Morton County, H. W. Coe; Nelson County, D. S. Dodds; Hamlin County, J. L. Witten; Fall River County, Doctor Stewart, T. G. Orr.

The Committee on Permanent Organization reported as follows: For chairman, E. C. Garry, of Cass County; secretary, J. E. Westover, of Codington; assistant secretaries, W. A. Mitchell, of Walsh, C. F. Hackett, of Turner, W. C. Allen, of Brown; reading clerk, Grant Hayes, of Pembina.

The convention then adjourned until 9 A. M., the 24th, and the situation at that time gave Gifford the lead and Matthews second place. Balloting began on the morning of the 24th and continued all day, Gifford leading and Harrison Allen a close second. At 7 o'clock adjournment was had after a hard struggle, opposed, however, by Gifford's forces who were feeling that victory would be theirs after a few more ballots, but the field outvoted them and the day was lost. Judge Gifford, however, was the favorite, judging from the prolonged balloting, and would probably have received the nomination had a combination been made during the daylight hours of the battle in the convention.

When the motion to adjourn for an hour was taken at 7 o'clock in the evening, after the fourteenth ballot, Gifford's friends opposed it with 258 votes, while the entire field combined against him with 270 votes which carried the adjournment, and the combination in favor of Matthews was then effected, giving in exchange the chairmanship of the Central Committee to Allen of Northern Dakota. This was an unpleasant dose for the southern delegates to take. After reconvening at 8 o'clock balloting was resumed and on the third ballot taken, which was the seventeenth for the day, Matthews was nominated by a combination with North Dakota.

The Committee on Resolutions made a report as follows, it being the last platform of the territorial party, to-wit:

The republicans of North and South Dakota, in convention assembled, publish and declare:

1. That the present democratic administration at Washington, emulating the present tory administration in the government of Ireland, has maintained and exercised a tyranny over this territory, unjust, unwarranted and subversive of the principles of the founders of the republic in denying admission into the union of the states, for the sole and only reason that a majority of our people differ with the administration upon the political issues of the day.

2. That we arraign the present governor of this territory for prostituting his high office to personal and ambitious ends and purposes. That he maintains a perfect indifference to the wants of the people whom he rules. That he encourages large and unwise appropriations. That he threatens to veto measures unless the Legislature shall be subservient to his will. That his appointees in many cases are men who have no qualification for office, but are his personal retainers, supported at the public expense.

3. That we hail with joy and pride the action of the late Republican National Convention, and recognize in General Harrison a patriot, a soldier, a wise statesman, and the early and earnest friend of Dakota; and recognize the Hon. Levi P. Morton as an eminent statesman and philanthropist, a true and tried republican.

4. That by every precedent established in the history of the admission of new states into the Union, by the rights guaranteed by the constitution and the laws of the United States, it is the duty of Congress to admit both North and South Dakota into the sisterhood of states, and the refusal by a democratic house to so admit us is a violation of the duties and obligations of its members, and we hereby reiterate our unalterable opposition to admission as a whole.

5. That we as delegates in this convention will support no man for office whose position upon the question of division and admission is in the least equivocal or uncertain.

6. That the great agricultural interests of Dakota demand that they should be protected, fostered and guarded with jealous care, and such laws enacted as will secure equitable rates of transportation, allowing no unjust discriminations against sections or individuals. That we favor the improvement of the great waterways of the Northwest, so as to bring about close competition in the carrying trade. We favor a warehouse law which will give every farmer a free market for his produce and which will not leave him at the



mercy of any elevator or railroad combination. That not a trust should be fostered or allowed, nor monopolies organized which have a tendency to inflate prices.

7. We declare ourselves in favor of a thorough revision of the revenue laws of Dakota, whereby all property shall be equally taxed and taxed to its owner. We declare in favor of a usury law which shall not encourage reckless and extravagant speculation, but which will provide sufficient money at a reasonable rate of interest for all honest and legitimate pursuits.

8. That we welcome with the open hand of fellowship the people who have come from foreign lands to better their fortune and find a permanent home in this, the country of their adoption, intending to render due obedience and respect to its laws.

9. That we favor a revision of the tariff and a reduction of the same upon such articles as can be made without sacrificing the interests of American labor, and that the necessities of life upon which the tariff is a tax should be admitted at the lowest possible duty consistent with the preservation of American industries. We charge the democratic party with being the enemy of northern soil and northern labor, and arraign it for the discriminations and sectional provisions of the Mills bill, by which northern productions are deprived of protection, while those of the South, the late confederacy, which declared explicitly against any tariff for protection, are protected by a high tariff, which in many cases are nothing more nor less than a tax.

10. Following the lead of the national platform of our party as executed in Chicago, and of the will of the people of this territory as duly expressed in the majority of counties upon the question of local option, we heartily endorse all just measures for the banishment of the saloon from our borders

George A. Matthews, the nominee for delegate, was a lawyer, a citizen of Brookings. He was a native of the State of New York, and was born in 1852. He came to Dakota in 1878-'79 and located in Brookings County. He was one of the parties who established the Kingsbury County News at DeSmet in 1880, Geo. W. Hopp being the other. He was connected with the board of trustees of Brookings Agricultural College, and was a member of the law firm of Scobey & Matthews at Brookings. Mr. Scobey was a member of the Territorial Council in 1883, and took a leading part in the passage of the capital commission bill for which he was amply rewarded by the appointment of his law partner, Mr. Matthews, on the commission, and an act authorizing the issue of \$45,000 territorial bonds to build the Agricultural College. It might be presumed that it was due to some prejudice against Mr. Matthews, growing out of his connection with that commission, that he was not in greater favor with the southern delegates in the convention, and by the same reasoning it may be presumed that the northern delegates looked upon him with greater favor than any other candidate before the convention when they discovered that their candidate, Mr. Allen, stood no chance of being nominated. In addition to this circumstance was the desire of the Central Dakota delegates to secure the nomination for a resident of that rapidly growing portion of the territory. A combination of these circumstances secured a victory. However, Mr. Matthews had been a consistent advocate of division and statehood, which was the important issue, was an able man, a sound republican and his nomination was accepted and he was supported by the full strength of the party in all sections of the territory.

In return for the support of the Northern Dakota delegates for Mr. Matthews the victorious faction conceded to the North the chairmanship of the Territorial Central Committee, a position which had become of much consequence in the political arena, second only to the delegate in Congress. For this eminent place Gen. Harrison Allen, of Fargo, the incumbent under the appointment made two years before by virtue of a similar trade, was elected by the convention to continue as chairman.

Other members of the committee, selected by the delegates from each county, were: G. R. Farmer, Miner County; W. M. Smith, Aurora County; C. T. McCoy, Brown County; B. T. Budd, Codington County; R. F. Wallace, Stutsman County; C. W. Stafford, Day County; C. T. Howard, Spink County; E. Y. Sarles, Traill County; H. W. Coe, Morton County; J. A. Percival, Ramsey County; J. F. Mentzer, Davison County; D. W. Driscoll, Walsh County; E. A. Sherman, Minnehaha County; K. G. Phillips, Lawrence County; F. A. Schring, Eddy County; W. F. Coad, Pennington County; J. H. Baldwin, Hand County;



J. R. Hagar, Bottineau County; A. W. Howard, Yankton County; P. J. McCumber, Richland County; C. M. Harrison, Beadle County; J. E. Haggart, Cass County; Alex. Hughes, Burleigh County; Fred Snoor, Benson County; B. A. Dodge, Grant County; J. C. McManima, Hughes County; John N. Dennett, Barnes County; P. J. McLaughlin, Grand Forks County; J. L. Turner, Bon Homme County; O. S. Pendar, McCook County; L. E. Booker, Pembina County; Seth Bullock, Lawrence County; A. J. Pruitt, Turner County; W. G. Lockhart, Dickey County; A. O. Ringsrud, Union County; Frank Parson, Hamlin County; P. McHugh, Cavilear County.

This was the last Territorial Central Committee appointed.

The convention then adjourned.

In the progress of the campaign after the nominations it became of interest to inquire how the various members of the capitol commission voted on the question of locating the capital, and Mr. Ralph Wheelock, who was secretary of the commission, being the best authority on that point, gave out this brief statement:

Mr. Matthews voted and worked for Huron to the last, as the friends of Mitchell can all testify. The men who voted for Bismarck on the last ballot were: McKenzie, of course; Aleck Hughes and his man DeLong, John P. Belding from the Hills, and the delectable "Doc" Scott of Grand Forks. Spalding and Myers voted for Redfield, Thompson for Mitchell, and Mathews for Huron.

There was comparatively little interest taken in the campaign on the republican side for two or three weeks. Mr. Matthews, the candidate, was about the only republican speaker engaged in the canvass during this time.

Delegate Gifford, speaking of the canvass and the situation and the nominee, said:

I regard George Matthews as one of the best men in the territory. He is a staunch republican, and is a young man of ability, and popular wherever he is known. He is not idle, as you must know, and the entire republican party is united in his support.

And as to Mr. Day, the whilom democratic leader, Mr. Gifford said:

If the democratic party stood any show of electing a President this year, Day would come to the front again as a democratic leader. As it is, he is permanently out of politics.

Melvin Grigsby, of Sioux Falls, was a candidate for the congressional nomination before the Watertown convention, and on the thirteenth ballot received 82½ votes, having increased from forty-one during the last six ballots. Under instructions his own county, Minnehaha, voted for him from the first to the last ballot. There was said to have been a time in the proceedings of the convention when the votes cast for Mr. Grigsby by his own county added to the votes for Gifford would have given the latter the majority and nominated him. But the Grigsby delegates refused to violate their instructions without the consent of their candidate, and for this reason Mr. Grigsby was severely criticised by Mr. Gifford's friends in Minnehaha County and elsewhere.

It was a generally recognized fact during the preliminary stages of the campaign that Minnehaha County was probably in favor of ex-Judge Palmer, who resided at Sioux Falls and whose aspirations for Congress were looked upon with disfavor by a majority of the republicans in the southern part of the state. But with the support of his own county there were apprehensions that the Ordway element and prohibition faction north and south might secure for him the nomination provided he came to the convention with such powerful backing. Mr. Grigsby was the only man in the county who could carry its republican county convention against Palmer. It was felt that Palmer would defeat a Gifford candidate. It was either Palmer or Grigsby, and the latter entered the con-

test and accomplished Palmer's defeat, the county convention being practically unanimous for Grigsby.

Upon a previous occasion, in 1886, Mr. Grigsby had performed a like service for the Gifford element, and made himself a nominal candidate before the territorial republican convention for the congressional nomination, withdrawing in favor of Mr. Gifford. At this time, 1888, he had resolved to be a candidate in earnest or not a candidate at all, and with that purpose he went before the people of his county and in their caucuses and in their convention they said with unanimous voice that Mr. Grigsby was their choice. They did not present any second choice and there was no evidence that they desired the nomination of anyone except their own citizen, Mr. Grigsby.

The general political situation at the time, with statehood near, gave to the result of the Watertown convention as affecting the ambition of prominent men considerable importance.

#### DEMOCRATIC CONVENTION TO NOMINATE DELEGATE TO CONGRESS

An official call for a democratic territorial convention was issued by Mr. O. P. Kemp, of Pierre, secretary of the Central Committee, calling the convention at Jamestown, July 11th. It was issued June 10th. It provided for 412 delegates on the basis of one for each 200 votes cast for M. H. Day in 1886.

This convention was called to nominate a delegate to Congress and to promulgate a platform.

When the convention assembled at Jamestown July 11th it was found that there were at least two hundred and fifty delegates present. Prior to the convening of the body it was found that Judge Becker of Fargo had opened headquarters and was a candidate for delegate. There was a sentiment for Harden, of Jerauld County, a South Dakota man, and indications pointed to his nomination on the first ballot. There was a general disposition to let the dead past of the Watertown convention bury its dead. Harden had been a strong divisionist, but it was discovered that his division sentiments could be made to harmonize with the proposed one-state platform, by incorporating a clause in the enabling act authorizing a vote on division after the state was admitted. This was in accordance with the Yankton County platform. Judge Church was in control and Committeeman Day's opposition was no longer a factor. The party was said to be united and working harmoniously.

The convention was rapped to order by Judge Bangs, chairman of the Territorial Committee. Martin Ryan, of Fargo, was chosen temporary chairman of the convention, and Emmett O'Brien, of Yankton, secretary. The chairman appointed Otto Peemiller, of Yankton, chairman of the Credentials Committee, and Judge Bennett, of Bottineau, chairman of the Committee on Permanent Organization. The convention then took a recess until 5 o'clock. The Credentials Committee then presented its report, which was adopted. The report showed that every organized county was represented either in person or by proxy, and the actual attendance of delegates was over three hundred. Colonel Steele, of Lawrence County, chairman of the Committee on Platform, read the report of the committee, which, on the principal issue, declared as follows:

Resolved, That we favor the passage by Congress, at an early day, of an enabling act looking to the speedy admission of Dakota as one state, with a provision reserving the right to our people at any time to consider the propriety of its division into two states, and we arraign the republican party for its policy of obstruction which has thus far resulted in preventing the admission of Dakota to the sisterhood of states.

The agricultural interests of the territory was strongly supported by resolution, and Government control of railroads and telegraph was demanded.

The national administration of President Cleveland was highly commended and his renomination warmly endorsed. The territorial administration of Gov-

ernor Church was approved, and its action in taxing Northern Pacific Railroad lands, hitherto claimed to be not taxable, was commended.

There was no resolution concerning prohibition.

The platform was adopted by a yea and nay vote and the convention then proceeded to nominate a delegate. All opposition to John W. Harden, of Jerauld County, had been withdrawn and he was then nominated as the candidate for Congress by a unanimous vote.

The new Democratic Territorial Committee for Dakota was made up of Martin Ryan of Fargo, chairman; Oscar P. Kemp of Watertown, secretary. Other members: Charles Freeman, of Union County; G. S. Mathews, of Douglas County; Daniel Glidden, of Minnehaha County; F. H. Hammer, of Davison County; George Henry, of Brookings County; J. E. Carpenter, of Sanborn County; T. W. Childs, of Mellette, Spink County; A. H. Yost, Faulk County; J. D. Hilger, Hughes County; James Ringrose, Brown County; A. H. Marsh, Brown County; Chauncey L. Wood, Pennington County; Ben Bear and W. B. Thornby, Lawrence County; Alexander T. Walker, Hamlin County; J. W. Ven-Neida, Cass County; G. B. Vallandigham, Barnes County; John DeGriolat, Hillsboro, Traill County; F. R. Fulton, Grand Forks County; M. K. Merriam, Grafton, Walsh County; W. W. Miller, Pembina County; A. J. McCabe, Jamestown, Stutsman County; L. W. Harriman, Minnewaukan, Ramsey or Benson County; Joseph Hare, Burleigh County; G. W. Peoples, Morton County; James Collister, Dickinson, Stark County; Otto Peemiller, Yankton County; J. G. Thompson, Bottineau County.

The convention then adjourned, after listening to brief and eloquent addresses from Governor Church, Delegate Harden and Colonel Steele. It was said that Steele could have had the nomination had he been willing to accept. Mr. Harden, the nominee, was vice president of the Farmers' Alliance, and had been an open supporter of the division of the territory. He was also a prohibitionist, an able debater and speaker, with much experience as an educator. He was also a citizen of exemplary character.

The issue before the people was declared to be the admission of Dakota as one state, the democrats espousing the affirmative.

#### THE PROHIBITIONISTS NOMINATE

A territorial prohibition convention was held at Redfield on the 27th of June, 1888, which was quite enthusiastic. J. C. Bloodgood of Huron was made temporary chairman, and Irving Mutchler of Huron secretary. Subsequently R. B. Hazel of Redfield was elected permanent chairman and Rev. W. H. Selleck of Aberdeen secretary. The Dakota Standard of Huron was appointed the prohibition organ. S. H. Cranmer, of Ipswich, was nominated for delegate to Congress. Mr. Cranmer was a lawyer, thirty-four years old, and moved from Iowa in 1884. He was a member of the Sioux Falls constitutional convention from Edmunds County. A territorial central committee was appointed with R. B. Hassell, Redfield, chairman, and W. H. Hedges, Redfield, secretary.

Local option was an issue in a large number of the counties north and south and proved quite popular in rural precincts, but was not sustained in the cities. Still it was quite evident that an aggressive temperance sentiment pervaded all parties and would prove a strong factor in future elections.

## CHAPTER CI

### MITCHELL UNIVERSITY DESTROYED BY FIRE

1888

W. R. BIERLY, INDEPENDENT DEMOCRATIC CANDIDATE. CONGRESS ADJOURNS. NOTHING DONE FOR DIVISION—NEW JUDICIAL DISTRICTS—DAKOTA MILLERS ORGANIZE—MITCHELL UNIVERSITY DESTROYED BY FIRE—DAKOTA FARMERS' ALLIANCE, ANNUAL MEETING—LOCAL OPTION—HARRY HUNTER—FARMERS OPPOSE TRUSTS—THE ELECTION, THE VOTE AND THE CANVASS—HARRISON AND MORTON ELECTED—CELEBRATING THE ELECTION—AFTER ELECTION—MANITOBA RAILROAD REACHES SIOUX FALLS—RAILROAD CONSTRUCTION IN THE TERRITORY—FEDERAL APPOINTMENTS—SOME PERSONAL ITEMS.

#### AN INDEPENDENT DEMOCRATIC CANDIDATE

A movement for the nomination of a third candidate for delegate to Congress, originated among the dissatisfied democrats of northern Dakota and culminated shortly before election in a convention at Grand Forks on September 21st, where W. R. Bierly was nominated as its candidate for delegate. Twenty-three northern Dakota counties were represented in the convention, all anti-Church democrats. This convention was a protest against the nomination of Professor Harden, who was held to be completely under the Church influence and an opponent of division and while esteemed for his many personal virtues was not deemed to be in any other sense a fair representative of the democratic party.

Mr. Bierly lived at Grand Forks. The platform claimed:

That it is necessary for all of the territory lying north of the north line of the State of South Dakota to elect a delegate to the United States Congress. Also demands statehood for North Dakota by the next Congress; the election of a Legislature pledged to abolish the railroad commission, and the abolition of all territorial laws enlarging the appointive powers of any and all federal officers. The speedy opening of Indian reservations. The passage of an act by Congress permitting county commissioners to lease school lands at a fair rental, prior to statehood. The speedy improvement of the rivers of North Dakota and Minnesota. The erection of safeguards in the insurance of live stock, grain, implements, growing crops, etc., and such legislation as may be petitioned for by the people under the constitutional right of petition.

In his letter accepting the nomination, which was addressed to Chairman Gray, the candidate said:

I hereby formally accept the nomination for delegate in Congress from North Dakota, so heartily and unanimously tendered me, and pledge myself unreservedly to the platform of said convention. In obedience to its demand, I will, on Friday evening, at the courthouse in Grand Forks, open the campaign with all the vigor I possess and devote my whole energy to the canvass from henceforth until the election, November 6th. I further authorize and challenge any and all members of my party, who may desire to do so, to accompany me to meet me in joint debate in North Dakota upon territorial issues exclusively.

Accordingly, Mr. Bierly opened the campaign as he stated he would and was greeted with a large audience. His speech was a severe arraignment of Governor Church and his administration.



Mr. Tracy Bangs, who was the chairman of the Democratic Central Committee, followed the nominee in a stirring address during which he said:

The democratic party has refused and neglected to hold a convention and place in nomination a candidate for delegate in Congress, but a few officeholders met at Jamestown and, feeling that something must be done to vindicate themselves and their bosses, placed in nomination one John M. Harden, hoping to use him as a tool with which to draw votes. Mr. Harden is a true democrat, a scholar, and a farmer, but unfortunately for him he has been used as a bait to catch votes, with which an attempt is to be made to vindicate the most corrupt administration that Dakota has ever seen, and she has seen some bad ones.

Prior to the advent of Mr. Bierly as a candidate for Congress, there was a listlessness connected with the territorial canvass that had an element of danger in it for the republican nominee, which consisted in the serene and almost blind confidence in the success of the republican candidate because of the overwhelming majority of republicans in the territory. There seemed a possibility that one-half of the voters would not improve the opportunity to vote, which gave a troublesome aspect to the event in the minds of republican politicians. Mr. Harden might easily defeat a republican candidate if the latter received but a 50 per cent vote, and in some of the recent elections even less than 50 per cent of the lawful vote was polled. Bierly's coming out awakened new interest in the contest among the voters generally, and probably brought thousands to the polls who would have paid no attention to election otherwise.

Near the close of November following the election, Mr. Bierly, the independent democratic candidate for delegate to Congress, came forward with an original proposition, claiming to be the rightfully chosen delegate from North Dakota, and filed his claim to a seat in Congress as such representative. The Tribune of Bismarck gave out a statement of the gentleman's claim, which follows:

Willis R. Bierly, the Grand Forks independent candidate for delegate to Congress in the recent election, and who claims a certificate as the duly elected delegate from North Dakota (assuming that South Dakota is already a state), has filed his brief with the secretary of the territory. In the way of introduction he gives a brief history of the division and statehood movement, as follows:

Dakota in 1882 sought admission into the Union. A committee of boards of trade of Northern Dakota visited Washington and opposed admission as a whole, in consequence of which, as well as for other reasons, Dakota was not then admitted. In 1884 South Dakota's agitation of the question obtained from the political conventions of both parties hearty expressions for the division of the territory. After satisfying themselves that South Dakota had a lawful right to proceed and form a state government, the Legislature of 1885 was appealed to for a law authorizing a constitutional convention for South Dakota. The act approved March 15, 1885, session laws page 51, was passed almost unanimously and signed by the governor. Said act created the machinery for a state south of the forty-sixth parallel and residuary territory north thereof to be North Dakota. In pursuance thereof a convention was held at Sioux Falls, a constitution formed and ratified by a vote of the people of the state. Simultaneously with such ratification, state officers, congressmen, judges, and a Legislature were chosen and Huron selected as the temporary capital. The Legislature thus chosen convened and elected two United States senators, who presented their credentials, which were accepted by the United States Senate and the senators-elect granted the courtesies of the Senate. Immediately thereafter a bill passed the Senate ratifying the action of the people of South Dakota, which bill is now pending in the House of Representatives, and of right ought and will pass prior to March 4, 1889. The congressmen-elect, Gifford and Kanouse, appeared in the House of Representatives. Gifford, as delegate, moved that Theodore D. Kanouse be admitted to the floor of the House, which resolution was referred to the Committee on Rules, where it still lies, but neither presented their credentials as representatives from the state.

In the summer of 1888 party conventions met in Dakota, nominating respectively George A. Mathews, James W. Harden and L. H. Cranmer, all residing then and now south of the forty-sixth parallel, or within the state. Another and unpartisan convention met at Grand Forks, N. D., and nominated Willis R. Bierly of Grand Forks for delegate for North Dakota distinctly upon the issue that South Dakota being in fact a state, North Dakota was entitled to the delegate.

At the election November 6, 1888, a large number of legal voters cast their votes for said North Dakota nominee and probably a large number for two of the South Dakota candidates, the returns whereof are now before you, with the claim of the North Dakota candidate for a formal certificate of election from North Dakota.

Mr. Bierley then quotes numerous authorities tending to show that South Dakota is a state de facto, and argues that acts prior to admission are valid and will be so considered by Congress, when final action is taken by that body.

"The vote cast for Mathews, Harden and Cranmer should be canvassed by the properly constituted authorities of the State of South Dakota. Whereas, the vote cast for delegate in North Dakota should be canvassed separately and distinctly, and all ballots for other than a resident of North Dakota counted as of no effect."

Concluding, Mr. Bierley says:

"South Dakota being a state, residents therein are disqualified from representing North Dakota, the residuary territory. The person to whom the certificate is to be awarded from the territory must be held to be the person at least qualified by residence, since that is prescribed by the Constitution. Hence all votes cast for non-residents of North Dakota are as if none had been cast for them, and the principle laid down in some of the states where the majority rule is fixed by the Constitution is not binding here, and a minority of legally cast ballots for an eligible candidate elects. The presumption is that had the majority known of the disqualification, their votes would not have been cast for any disqualified candidate, but for the qualified one. Congress, under the Constitution, possesses the right to pass upon all these questions, to raise which, in due form, a certificate of election as delegate should be issued to Willis R. Bierly."

Whatever opinion may have been held by others, there is no question about the sincerity of Mr. Bierly in the position he had taken. The board of territorial canvassers do not appear to have considered his claim at all. They were probably unable to meet his argument and felt that the safest plan was not to try, and thus avoid controversy. It was evident that Mr. Bierly had been impressed with Judge Campbell's view of "What constitutes a State," and on the Campbell theory determined to push his claim. He made his way to Washington, and was fortunate in obtaining the assistance of a democratic war horse in the House to present his petition claiming the seat of delegate from North Dakota. Judge Macdonald, known as the "Sage of Shakopee," preferred this favor for Mr. Bierly, and the petition was duly referred to the Committee on Territories of which Mr. Springer was chairman. This committee had a voluminous pile of Dakota matters on its table, one-state bills, South Dakota state bills, omnibus territorial-state bills, North Dakota territory bills, and Bierly's contribution promised to add to the tangle which the committee, being democratic, was endeavoring to separate in some way that would prove advantageous to their party, soon to be suspended from authority. Mr. Springer wished to relieve Mr. Bierly of responsibility for presenting such a petition, and declared that the man was evidently crazy, as he was no more entitled to a seat in Congress than he was to a membership of the Korean embassy. Mr. Barnes, of Georgia, declared the man a freak and it was reported that the committee concluded that in any event Mr. Bierly's claim had to do with the next Congress which would come in March, 1889, and they would not undertake to forestall the action of that body.

During Mr. Bierly's sojourn in Washington awaiting the report of the House committee on his application for a seat in Congress as the delegate from North Dakota, he called on the acting chief engineer of the war department, in his official capacity, with plans and specifications for the new bridges over the Red River at Grand Forks. The plans were approved, and a new bill, approved by the chief engineer, was drawn curing defects of former legislation.

#### CONGRESS ADJOURNS—NOTHING DONE FOR DAKOTA

The first session of the Fiftieth Congress finally adjourned on the 20th day of October, 1888. It had not been greatly vexed by Dakota during the session, which had been prolonged beyond the usual time, and for a presidential election year and the election of a new House of Representatives, it had been unusually tardy in adjourning. No particular attention was paid the event in Dakota, the people generally having settled down to the opinion that no important measure affecting the territory would be enacted.

It will be observed that there was, at least, the usual turbulency in the territory that had characterized it for a number of years. Great interest was felt in the national contest, for thereon hung the destiny of Dakota. But there was none so gifted with prophetic ken who had the confidence to proclaim that before the close of another year Dakota would be divided and constitute two sovereign states. The short session of the present Congress would convene in December, but owing to the brief time allotted to it—barely three months—it was felt that it could do little more than enact the numerous appropriation bills, and the House had already disclosed its opposition to a division of the territory. Springer's one-state omnibus bill was still pending, and the Senate was against it. It could not be passed through that body.

In 1888, for improving the Missouri River, Congress made unusually liberal appropriations. For improving the river from Sioux City to Fort Benton it allowed \$75,000. For removing snags and other obstructions, \$40,000. For a survey and examination of that stretch of river, \$25,000. There was also \$15,000 remaining of a former appropriation which was authorized to be added to the general survey fund.

#### THE ELECTIONS—HARDEN STUMPING

The presidential election to be held in November might change the aspect of political affairs. Dakota was impatiently awaiting it and its result, having only a very much one-sided delegate election of her own to interest her; so much one-sided and so much a "foregone conclusion," that less attention than usual was given to it save by the democratic standard bearer, who was a very intelligent and highly respected gentleman and a professor of the leading institution of learning in Jerauld County. He was said to be making a most vigorous canvass of the territory, and an occasional paragraph in a newspaper would disclose that he was "making it warm for his opponent." The professor was intensely opposed to the government policy of protection of home industries, and favored one state for the entire territory, hence he devoted a large fraction of his speeches to demolishing the citadel of protection, and while he favored the one-state idea, he treated it sparingly, having previously, as a member of the Alliance, favored it. He had practically the whole field to himself, though the republican nominee, obedient to party usage, spoke at a number of populous centers, informing the people of his views concerning the legislative needs of the territory.

The professor's selection as a candidate was ascribed to the sagacity of Governor Church, and owing to that circumstance the struggle to secure the democratic nomination at Jamestown was neither bitter nor prolonged.

#### TWO ADDITIONAL JUDICIAL DISTRICTS

Delegate Gifford's bill for the establishment of two additional judicial districts in the territory of Dakota was approved by the President and became a law, August 9, 1888.

This law divided the territory into eight judicial districts. It divided the Fifth District into two districts, which were to be known as the Fifth and Seventh. And the Third District was also divided and thereafter known as the Third and Eighth.

Sec. 5. That the Fifth Judicial District of said territory shall consist of the counties of Beadle, Kingsbury, Brookings, Hughes, Hyde, Hand, Sully, Faulk, Clark, Potter, Codington, Hamlin and Deuel.

Sec. 6. That the Seventh Judicial District of said territory shall consist of the counties of Spink, Brown, Day, Marshall, Grant, Roberts, Edmunds, Walworth, McPherson, Campbell, and the Sisseton and Wahpeton Indian reservation, and also shall include the following portion of the great Sioux Indian reservation, to wit: All that portion lying northward of the counties of Presho and Platt, and a line extending the north line of the County of



Pratt to the twenty-fifth meridian of longitude west from Washington, thence eastward and southward of the north line of Bozeman and Schnasse counties.

Sec. 7. That the Fourth Judicial District of said territory shall consist of the counties of Grand Forks, Walsh, Petroleum, Nelson, Ramsey, Cavalier and Towner.

Sec. 8. That the Third Judicial District of said territory shall consist of the counties now constituting the same, except as it may be affected by the formation of the Eighth Judicial District herein provided for.

The Legislature of the territory was authorized to change the formation of these districts.

All unorganized counties were annexed for judicial purposes to the Sixth Judicial District.

Under this law the President appointed Hon. A. W. Crofoot for the Seventh District (Aberdeen), and Hon. C. W. Templeton, of Fargo or Grand Forks, judge of the Eighth District (Grand Forks). The appointments were confirmed October 10, 1888.

#### MILLERS ORGANIZED

The flour millers of South Dakota held a meeting at Aberdeen on the 22d of November, 1888, and perfected an organization called the South Dakota Millers Association. The convention organized by electing William T. Tennant, of Aberdeen, temporary chairman, and J. D. Ward, of the Mitchell Mills, secretary. Committees were then chosen, as follows:

Credentials—Messrs. Stokes, Wood, Gould, Knittel, Pushnell, Wilson and Lovell. Permanent Organization—Messrs. Wilson, Smith, Kutnewsky and Bushnell. By-Laws—Messrs. Stokes, Oceanrider, Smith and Bushnell.

The secretary's record showed the following list of mills and millers represented:

G. E. Bushnell, of Valley Springs; B. H. Kutnewsky, Redfield City Roller Mills; D. R. Raymond, Huron; L. C. Gould, Howard; A. W. Knittel, Carthage; E. A. Morrison, DeSmet; R. Peckham, Frankfort; N. D. Smith, Madison; I. D. Wood, Mitchell; W. P. Stokes, Watertown; Wm. Tennant and C. A. Luns, of Luma, Aberdeen Roller Mills; E. Christenbach, Frederick; J. E. Sisson, Chamberlain; L. A. Foote, Kimball; Bryan & Wheaton, Plankinton; Excelsior Mills, Yankton; F. L. Van Tassel, manager; J. J. Brynon, Brookings; C. W. Colfield, Arlington Roller Mills; J. A. Thompson, Blunt; A. L. Lovell, St. Lawrence; F. H. Townsend, Columbia; E. M. Lewis, Groton; A. Wilson, Clark; T. F. Wilson, Waverly; W. Marshall, Casselton; Geo. W. VanDusen, Canby; C. R. Madison, Volga; E. Bemmer, Oakes; E. J. Clements, Ashton.

The object of the meeting, as stated by the chairman, was to perfect a millers' organization for South Dakota. Among the subjects to be considered were freight rates, coal, machinery, and methods of milling. Efforts were also to be made to secure gradings uniform with the products of flour manufacturing sections, and to advance the flour product of mills in South Dakota.

There was no intention on the part of this association to combine for the purpose of maintaining uniform prices, and it was stated by some of the speakers that no trust features were contemplated.

The Committee on Permanent Organization reported the following names for officers for the ensuing year: W. H. Stokes, Watertown, president; A. L. Lovell, St. Lawrence, first vice president; N. B. Smith, Madison, second vice president; C. A. Luns, Aberdeen, secretary; executive committee, J. D. Wood, Mitchell; A. L. Lovell, St. Lawrence; E. Boehmeir, Oakes.

The Committee on By Laws reported a constitution defining the organization and an order of business, which was adopted.

The Committee on Resolutions reported a declaration of the purposes of the association, declaring that a trust or combination was no part of the plans of the association, and defining its objects as above set forth.



## METHODIST UNIVERSITY AT MITCHELL BURNED

The Wesleyan University at Mitchell, the finest and largest in the territory, was completely destroyed by fire on the morning of March 9, 1888. The fire broke out about 3 o'clock in the morning, and the building being outside of the fire limits of the city, no aid could be given the efforts to quench the flames by the Mitchell fire department. There were forty-two persons who lodged in the building, ten of whom were more or less injured in escaping, one fatally. Messrs. Taylor, Babcock and Stanton jumped from the second story and were injured internally. Professor Taylor and Students Smith, Parkin, James and Pitcher jumped from the third story. Pitcher died in two hours. The others were dangerously hurt. Professor Duncan came down safely from the roof on a clothes line.

Spontaneous combustion was responsible for the disaster, originating in a pile of oiled rags in the engine room. The loss was \$50,000. Only \$7,500 insurance was carried. The cost of the edifice, erected in 1885, was \$50,000. Its walls had been built of Sioux Falls granite. It had been operated as a university for two years under the auspices of the Methodist conference, and was attended by 132 pupils at the time of its destruction. It was rebuilt.

After the fire it was discovered that had there been a piece of rope in each room, placed there for the purpose of enabling the inmate to escape in case of fire, it might and probably would have enabled all to have escaped without injury.

## FARMERS' ALLIANCE—ANNUAL MEETING

The annual meeting of the Dakota Farmers' Alliance began its session at Jamestown December 11, 1888. President H. L. Loucks presided. There were in attendance about two hundred delegates. Addresses were made by E. H. Allison, of Brokings County; Judge Conklin, of Watertown; E. P. Conser, of Ellendale; and Mr. Lampman, of Valley City.

The annual address of President Loucks occupied the remainder of the first day's session. In this address the president recommended that "this meeting take official cognizance of national politics, namely, government ownership of railroads and telegraphs, and government ownership of coal lands to be mined on royalty." The address throughout was favorably received.

Secretary Soderburg read the annual report, showing 744 local alliances in the territory, of which 278 had been organized during the year. The total receipts were \$1,130.70. Balance on hand, \$31.70.

A resolution was adopted to demand of the next Dakota Legislature a railroad bill providing for the election of railroad commissioners by the people by ballot, and making the regular passenger fare two and a half cents per mile. Also requiring railroad companies to furnish cars for the shipment of grain within three days after notice. Also requiring railroad companies to build side-tracks to elevators and warehouses adjacent to their tracks.

The principal business of the succeeding day was the reception of reports from Alliance Insurance and incorporated companies. Here follows a synopsis of the report of President Crose of LaMoure, who was in charge of the purchasing department of the Alliance:

"Many goods we were at first unable to purchase because manufacturers were afraid to trust us. They were united in a combination or trust which forbade them dealing with an organization like ours. We were beggars for our first patronage, but during the year our business will aggregate over half a million dollars, and today our office is visited, not alone by traveling agents, but by the presidents and general managers of business houses in the East, asking us to deal with them."

The report recommends that each county alliance select some point for a county agency, that a county agent be appointed, and the number of agents thus largely decreased. Centralization of all alliance departments at some central and accessible point in the territory as headquarters, and the placing of the business of all under the supervision of a committee

composed of the president and secretary of insurance and incorporated companies, and either the president or secretary of the territorial alliance is recommended.

President Wardell, of the Alliance Hail and Fire Insurance Company, reported as follows:

We have insured during the past year 10,000 members to the amount of \$6,000,000, saving them in premiums alone nearly a quarter of a million dollars, as against the old line companies. We have paid every loss in full and before it was due. With nearly one hundred other companies doing business in the territory, we have succeeded in two years in building up a business equalling in volume one-sixth of the total transactions of all the other companies combined. We were unable to establish a mutual company, as the laws of Dakota do not permit it, but we have carried on an ailiance department in connection with the fidelity, thus saving the expense of raising all the capital. It is carried on at a low rate of expense on the same mutual plan, in the same office and with the same officers. We would respectfully ask your honorable body to authorize the insurance department to establish a life branch, and be known as the Alliance Aid Association, and to be established and conducted on the mutual and assessment plan organization of life departments.

In accordance with the request of the last paragraph, it was ordered by the Alliance.

The following committees were then appointed by President Loucks:

Resolutions—Ira S. Lampman, E. N. Schultz, J. C. Langless, W. E. Boyse, Wylie Nelson, A. Skatten, F. J. Strong. Distribution—H. W. Smith, H. M. Clark, W. D. Chase, H. E. Pierce, A. W. Kuhn, H. W. Kelley. Finance—R. H. Bentley, A. B. Ashley, W. R. Merrick, D. M. Finney, J. B. Sweet. Constitution and By-Laws—Orange Wright, F. A. Leavitt, G. L. McGregor, J. W. Moore, A. Lawrence, H. M. Aiken, J. E. Sheridan. Transportation—A. B. Vajndoren, James Dobie, J. A. Tower, J. W. Goodrich, W. N. Burwell, James Mathews, D. Dunn. Good of Order—W. T. McCulloch, E. Nelson, Ed Reed, R. Watson, W. H. Emmons, A. Wadell, J. B. McGeary. Press—A. Wardell, P. A. Johnson, E. F. Conser. Taxation—L. F. Dow, B. Miller, A. C. VanMeter, Henry Miller, H. B. Stevens, W. J. Bennett, B. Lockman, W. H. Massey. Farmer's Institutes—J. C. Wade, Reverend Allison, A. D. Chase, J. J. Myers, John Smith, J. W. Harden. Legislation—S. J. Conklin, E. P. Conser, D. T. Dodds, Walter Muir, S. H. Goodfellow, A. B. Taylor, J. L. Parker, J. P. Day, E. J. McInnis.

Resolutions were presented and adopted, recommending that the Legislature appropriate \$10,000 to aid in the promotion of farmer's institute work in the territory, indorsing the Agricultural College at Brookings and recommending that generous provision be made for it by the Legislature; by A. Wardell, president of the insurance company, recommending united and concerted action of the National Alliance, Grange, Knights of Labor, and kindred organizations to the end that national legislation in the interests of the industrial classes may be secured.

The most sensational feature of the session was the reading of a resolution from Alliance No. 701, protesting against the political interference of territorial alliance officials. The resolution was evidently intended as a rebuke to President Loucks, and was evidently by him so regarded from the fact that he expressed a wish that the resolution should be fully discussed, and if any one had any fault to find with him they would do so then and there.

After quite a lengthy discussion regarding the propriety of an economic association, through its principal officers, taking a leading part in the contests of political parties, and thus permitting the association itself to be given a partisan coloring in the estimation of the outside world, some contending that it was all right if the officer let it be known that he did not speak for the Alliance, and had no authority to speak for it in political assemblages, while others contended that the officers owed it to the Alliance to avoid such conspicuous discussions which would only drag the Alliance down and not build up politics, the resolution was

finally tabled, but it was evident that the safest road for the Alliance to travel, was in the middle of the road.

President McLouth, of Brookings College, was present, and closed the proceedings with an address in the interest of his institution.

An early frost and unseasonable weather brought damage to the Dakota wheat fields in 1888. Oliver Dalrymple, the bonanza wheat farmer of Northern Dakota and of the territory generally, stated that in some large sections the wheat yield had been reduced one half. He further stated that the world's wheat crop would fall short 300,000,000 of bushels owing to natural causes, and predicted that wheat prices would go to \$1.25 a bushel in Chicago and \$1.50 in New York. He advised Dakota farmers to hold their crop for a few months, and they would do well on the short crop.

#### FARMERS AGAINST TRUSTS

The beginning of the crusade against trusts in which the people took part may be traced to the efforts of the agricultural population of Dakota, whose intelligence enabled them to propose practical remedies by the law-making power, for the injustice inflicted by pernicious combinations for the purpose of restraining trade and controlling prices. At a mass convention of the farmers of North Dakota held at Fargo in May, 1888, to consider the attitude of the National Legislature toward the agricultural interests, there was a platform adopted of which the following is a copy:

That in our judgment it is the duty of Congress to appoint a special committee of investigation, with full powers to compel any and all persons with books, papers, etc., to appear before it, who are in anyway officially connected with the formation and direction of any trust or combination whatsoever, that has for its object the increasing of price of any article of commerce or trade above the price of the same with open competition in a free market, or by any combination whatsoever to decrease the market value of any article of farm produce below the price paid for the same in the open markets of the world.

That when it is clearly proven that such trusts exist, it should be the duty of Congress, if a tariff tax protects the manufacture of such articles, to put the same on the free list.

That the Territorial Farmers Alliance of Dakota, an organization which has for its objects the upbuilding, protecting, elevating and defending of all the interests of the farmers, whether territorial or national, at least are entitled to our thanks for the determined efforts they are making in battling against monopoly and trusts that have for their object the destruction of free competition and a free market. That it is the duty of all farmers to unite with and help support the organization known as the Farmers Alliance.

The Farmers' Alliance had taken an active part in the territorial election, or rather its leading officers, Messrs. Loucks, Crose and others, supporting the democratic candidate, Mr. Harden, on the ground that Mr. Matthews' record had been antagonistic to the interest of the farmers when he was acting in a legislative capacity two years before.

Secretary Crose of the Territorial Farmer's Alliance issued a circular a few days before the election, declaring in favor of Mr. Harden, the democratic nominee for delegate. This came as a great surprise, Crose having been an ardent supporter and speaker for Matthews. The leaders of the Alliance were now nearly all bending their energies to elect Harden, which gave the republicans considerable anxiety because the antecedents of these new converts to Harden's one-state and free trade theory were republicans, and they had trained with that party and been prominent in its councils. Crose was afterwards nominated by the democrats of his legislative district which included Hughes County, for the Territorial Council, but was defeated by Coe I. Crawford.

#### OFFICIAL CANVASS

The territorial board of canvassers assembled at Bismarck on the 3d of December, 1888, and canvassed the vote returned for the office of delegate to

Congress, which is here given by counties, that of North Dakota first, South Dakota returns in a separate table:

## NORTH DAKOTA

County.	For Mathews	For Harden	For Bierly	County.	For Mathews	For Harden	For Bierly
Barnes	953	727	1	McIntosh	93	18	0
Burleigh	714	383	12	Nelson	649	250	139
Benson	117	450	1	Oliver	31	44	0
Bottineau	314	414	7	Pembina	1,348	1,385	1
Billings	33	15	0	Richland	1,008	978	0
Cass	3,395	1,550	5	Ransom	1,324	692	0
Cavalier	475	862	7	Ransom	1,060	554	1
Dickey	1,000	650	0	Rolette	229	337	45
Fully	273	233	3	Stark	229	337	0
Emmons	374	93	0	Stutsman	715	858	0
Foster	227	130	13	Steele	548	173	0
Grand Forks	2,273	510	1,378	Sargent	1,029	306	0
Griggs	290	506	0	Traill	1,350	794	1
Kadler	321	124	1	Towner	172	185	73
LaMoure	500	204	1	Walsh	1,848	1,718	3
Logan	56	5	0	Wells	149	182	0
Morton	684	335	0	Ward	355	252	29
McHenry	277	92	2				
McLean	250	58	0	Total	25,310	15,801	1,723
McIntosh	273	17	0				

## SOUTH DAKOTA

County	For Mathews	For Harden	County	For Mathews	For Harden
Aurora	713	634	Butcher	1,687	328
Beadle	1,556	690	Hyde	379	201
Brown	2,379	1,613	Jerauld	438	346
Brookings	1,411	552	Kingsbury	1,297	556
Butte	127	74	Lake	939	625
Brule	728	852	Lawrence	2,967	1,523
Butte	1,001	580	Lincoln	1,532	352
Custer	517	108	McCook	655	788
Campbell	474	399	McPherson	471	226
Clark	1,110	182	Marshall	655	198
Cladon	1,033	524	Miner	799	537
Charles Mix	673	677	Minnehaha	2,441	1,444
Clay	1,149	221	Moody	869	256
Day	914	269	Pennington	680	549
Douglas	738	806	Potter	493	324
Deuel	614	275	Roberts	247	177
Davison	858	430	Sandwich	818	355
Edmunds	778	572	Spink	1,822	872
Fall River	441	475	Sully	477	142
Faulk	718	155	Turner	1,425	170
Grant	772	339	Union	1,045	706
Hamlin	475	691	W. Worth	201	265
Hand	1,046	541	Yankton	1,479	588
Hanson	927	871			
Hughes	528	451	Total	44,995	25,045
		245			

Total for the territory, 114,130: 70,245 for Mathews, 40,846 for Harden, and 1,753 for Bierly. Bierly received 30 votes in South Dakota, 27 of them being cast in Yankton.

Mathews' majority was 29,369.

Mr. Cranmer, of McPherson County, who ran for governor on the prohibition ticket, received 421 votes north and 895 in the south, 1,316 in all. The total vote of the territory was 114,130, a gain of nearly ten thousand in two years. Harden appeared to get the average full vote of his party, which was a surprise to those who kept track of the canvass. He received some unlooked for assistance from the leaders of the Farmer's Alliance, and it would seem that he had



made a favorable impression upon the public during his long canvass to which he had devoted himself with commendable vigilance. The democrats as well as republicans gained materially over their vote of 1886, the former casting over two thousand votes more for Harden than for Day in 1886, in South Dakota. The democratic gain in North Dakota had been but 295.

#### CELEBRATING THE ELECTION

The national election in November resulted in a republican victory, insuring an administration in sympathy with the claims of Dakota for division and statehood, while within the territory Mr. Matthews had a plurality over Harden of about thirty thousand.

One of a hundred election celebrations may be alluded to as showing the exultant gratification of Dakotans over the result of the election. It took place at Yankton Saturday evening following election day, when it had been learned beyond a doubt that Harrison and Morton, and a republican Congress by a very narrow margin had been chosen, and it would appear that the voice of Dakota had been heard and heeded in the campaign in the states where the Dakota speakers did their pleading before the voters.

For two hours the entire city was aglow. A local paper tells us that there were blazing bonfires on the hillsides and on the streets; residences and business places were brilliantly illuminated, and the air was filled with showers from sparkling fireworks to which was added the constant glare of red lights. In this brilliant sea of flame the national colors floated from many flag staffs, and decorative designs in red, white and blue, embellished the fronts of residences and business places. To the spectacular display was added the din of gunpowder explosions, the ringing of bells, mingled with the music of bands and the shouts of exultant victors.

The celebration was as unanimous as it was spontaneous. It spread all over Yankton. It spread from limit to limit and was tempered only by the ability of the participants to show the earnest vigor of their joy. It was a carnival of exultation which spent itself only when the forces were exhausted. If there were any nonparticipating members of the opposition party in the city, they were so very few that their presence was unnoticed in the wild delirium of the hour.

The procession formed on Broadway at 7 in the evening, in the light of blazing bonfires and torches, and a half hour later the head of the column moved down Third Street headed by the Yankton Cornet Band in full uniform. As the cavalcade slowly unwound itself the brilliancy of the display evoked the wildest enthusiasm from a multitude of people of all ages, both sexes, waving flags, handkerchiefs, or uplifted hands. Along the walks and in the windows of buildings, stretching from Broadway to Capitol Street and around that thoroughfare and northward, there was a half mile of moving column ablaze with torches, fireworks, colored lights and transparencies, wending its way between two walls of illumination and under a canopy of flame and sparks and smoke from burning fireworks.

The order of the procession placed the Yankton Cornet Band in the lead, followed by a body of mounted torch bearers. Behind these was a broom brigade, typifying the clean sweep, and torch bearers, and in their wake stretched a long column of wagons, carrying mammoth transparencies, and various unique designs. At proper intervals were two other bands, one a fife and drum corps, and the other the Knights Templar Cornet Band.

An interesting feature of the display was a log cabin mounted on wheels and drawn by four horses. This cabin was constructed from Dakota logs by William Box and was a complete affair—a veritable log cabin with a shingle roof and doors and windows. A coon skin was nailed under the gable of the structure and in the doorway was a barrel of cider with tin drinking cups on a pine table. Inside the cabin rode Rev. D. B. Nichols, J. W. C. Morrison, C. N. Tyler (or

Taylor), Barney Mohan, Doctor Van Ostrand, D. C. Gall, and H. L. Briggs, veteran republicans and whigs who voted for Grandfather Harrison in 1840. This party was chaperoned by Col. Nic Morgan, who did not vote for Grandfather Harrison because he lacked some three years of being old enough, but he pounded a drum all through the Tippecanoe campaign, and shouted for the cause. The log cabin attracted much attention.

There were numerous transparencies scattered throughout the procession. The department was under the direction of Ed Palmer, who had taxed his genius in producing original designs and sentiments. One of the large wagon transparencies represented a pair of stallions engaged in a fierce combat. One was labelled "Free Trade," and the other "Protection." An accompanying sketch showed the Free Trade horse down and Protection in the attitude of Conqueror. Another presented an unmistakable jackass in the act of hurling Cleveland from his saddle. Upon the saddle was the word "Democracy," and underneath the cartoon was a farewell legend—"Good-by, Grover."

Upon another wagon there was a transparency showing two enormous eagles but only the republican eagle was occupying the victor's perch, and the ruffled and generally disordered condition of his feathers indicated that he had had a fight and only narrowly escaped with the fruits of victory.

A large wagon bore a transparency showing a map of Dakota Territory with the dividing line indicated, and on the reverse side another smaller map covered with mottoes, among which was quoted Chairman Quay's telegram to John R. Gamble, "Dakota's hopes are realized. Harrison is elected." Other expressions were, "Church's jig is up," "We're out of the woods," "Turn the rascals out." Surmounting the huge transparency was a triangle upon the sides of which were painted, "Dakota's inheritance—\$26,000,000 worth of school lands."

Extract from one of Harrison's speeches—"Six hundred thousand intelligent and loyal people entitled to the rights of statehood." "Educate the voter and he generally votes right." There was a scroll which bore the legend "Peace and plenty—good will to all." A transparency furnished by William Blatt, furnished Vice President Thurman's remark, "I foresee mischief by the republican party, and fear it will admit Dakota."

This procession rounded up at the club room, Turner Hall, and an impromptu meeting was held, with Maj. J. R. Hanson in the chair. A speech from the chairman was called for but he claimed that he had something better to offer than a speech consisting of some lines he had written to send to his son Joe who was away at school. Accordingly he gave his audience the returns of the election in rhyme, as follows:

From the pines of old Maine come wafted a song,  
The hills of New Hampshire speed it along,  
The rocks of Vermont, sweet freedom's redoubt,  
And dales of Mass'chusetts swell the loud shout.

Like the storm king's sweep o'er the trembling earth,  
The roar of New York now belches forth;  
The heart of Rhode Island with sympathy stirred,  
And an answering shout from Ohio is heard.

Pennsylvania, whose hosts are legion by name,  
And Michigan's thousands swell the acclaim;  
So, Wisconsin hath heard the wild, wild strain,  
And shouts from Indiana's war worn plain.

From the chain of lakes, o'er the prairie's wide sweep,  
Where the vanguards of liberty never sleep,  
Iowa, Minnesota and great Illinois,  
And Kansas, Nebraska, shout for joy.

Up over the mountains' loftiest peak,  
 Colorado, Nevada and Oregon speak;  
 California at freedom's behest,  
 The song of her people joins the rest.

Hark, hear the burst of Freedom's token—  
 "The Arm of the Oppressor is Broken,"  
 West Virginia sings his song of doom.  
 "Make room for Liberty," "Make room."

After this poetical introductory, which was greeted with stentorian applause, eloquent speeches were made by General Beadle, Robert J. Gamble, Hugh J. Campbell, George H. Hand, and Judge G. W. Roberts.

It was one of those occasions which are styled "never to be forgotten."

#### THE ELECTORAL COLLEGE

The result of the national election gave Harrison and Morton a majority of the Electoral College, as shown by the following table, which gives the names of the states and their electoral vote for president and vice president.

CLEVELAND AND THURMAN		HARRISON AND MORTON	
Alabama .....	10	California .....	8
Arkansas .....	7	Colorado .....	3
Connecticut .....	6	Illinois .....	24
Delaware .....	3	Indiana .....	15
Florida .....	4	Iowa .....	13
Georgia .....	12	Kansas .....	9
Kentucky .....	13	Maine .....	6
Louisiana .....	8	Massachusetts .....	14
Maryland .....	8	Michigan .....	13
Mississippi .....	9	Minnesota .....	7
Missouri .....	10	Nebraska .....	5
New Jersey .....	9	Nevada .....	3
North Carolina .....	11	New Hampshire .....	4
South Carolina .....	9	New York .....	36
Tennessee .....	12	Ohio .....	23
Texas .....	13	Oregon .....	3
Virginia .....	12	Pennsylvania .....	30
—	—	Rhode Island .....	4
Total .....	162	Vermont .....	4
		Wisconsin .....	11
		West Virginia .....	6
		—	—
		Total .....	239

#### AFTER ELECTION AT WASHINGTON

Quite a change was observed in the attitude of the democratic majority in the House of Representatives soon after that body convened in December, 1888, though Mr. Springer, possibly wishing to remain consistent, still held to his one state program for Dakota. But the divisionists had obtained a powerful ally in Hon. S. S. Cox, of New York, nicknamed Sunset Cox, a leading and influential democrat, who was chairman of the first democratic caucus held that session, and who courageously and ably espoused the division of Dakota and the admission of two states. The omnibus bill had not been agreed upon at this time, but in its early stage, rather crude, was before the House, and subject to amendment. This was just before the holiday recess. Mr. Cox took occasion, just at this time to make a statement designed for the public ear.

That he should offer an amendment to the Omnibus bill giving South Dakota two congressmen, and allow her to come into the Union, just as soon as the President could issue his proclamation after the act was approved. He intended also to provide an enabling act for North Dakota, admitting her as soon as she could qualify herself. He did not believe

another election on the question of division was necessary or wanted by the people of Dakota. As far as he could learn he believed that the people of both sections were practically indifferent. He said he had been hard at work trying to induce some of the leading citizens to consent to the division of Dakota, and had finally succeeded, and was then prepared to proceed with the consideration of the measures without delay.

#### OBITUARIES

The death of Prof. F. V. Hayden, the celebrated Government geologist and explorer, occurred in December, 1887. The early chapters of this work tell of his explorations and work in the Territory of Dakota. He made the first report to citizens of Dakota of the mineral riches of the Black Hills, and was greatly interested in the wonderful discoveries he had made in exploring the Bad Lands. He was born of Puritan descent in Westfield, Mass., September 7, 1820. He emigrated to the Western Reserve, Ohio, and was brought up on a farm and educated at the common schools. He entered Oberlin, Ohio, College when sixteen years of age, and graduated in 1850. He also studied medicine, and graduated from the New York Medical College at Albany in 1853. He was a member of the National Academy of Sciences, and of nearly all the other scientific bodies of America, and honorary and corresponding member of a large number of scientific bodies in foreign countries. He occupied more than twenty years in the exploration of the west, and extended his investigations over the greater portion of Kansas, Nebraska, Colorado, New Mexico, Dakota, Montana, Idaho, and Utah.

George W. French, chief justice of Dakota from 1860 to 1873, died in Florida, where he was spending the winter on the 20th of December, 1887. Judge French resided at Thomaston, Maine, from which place he was appointed chief justice through the friendly efforts of Vice President Hannibal Hamlin.

#### HARRY HUNTER

Harry Hunter, who figured prominently in the politics of the last decade of the last century came into the political arena as a member of the Territorial Legislature of 1888-89 from Spink County, residing at Mellette. He had been elected from Spink County by a farmer constituency, and owes his election to the fact that during the disagreements in Spink County between the Alliance grain producers and the railroads, growing out of the neglect of the roads to furnish cars for the shipment of the farmers' wheat, thus depressing the price in the local market, Hunter organized a detachment of farmers and forcibly took possession of a large number of the railroad cars, loaded them full of wheat, and compelled the railroad company to come to terms. This did not indicate that he was in sentiment an Alliance man, for he was inclined to advocate a liberal policy toward the roads during this period. He made a very consistent, able and useful member. The railroad people of the Milwaukee Company must have become acquainted with young Hunter and formed a very favorable opinion of his abilities notwithstanding his friendliness to the farmers in the grain shipment affair, for a few years later he is found in an important representative position as an employee of that company, and made it a part of his duty to attend all the legislative sessions, and take an advisory part as a lobbyist in railroad legislation. He became also a prominent leader in the republican party and withal a popular citizen, and secured valuable recognition of his abilities by promotion in the important affairs of the company.

#### NORTH DAKOTA LOCAL OPTION

Under the new territorial law for the management of the liquor traffic by local option, which authorized the referring of the question whether intoxicating liquor should be dispensed to the voters of each county, a convention



for the counties of the proposed new Territory of North Dakota was held at Jamestown, Stutsman County, on the 28th of September, 1887, to arrange for a local option campaign in that half of the territory during the coming month of October. A permanent organization was perfected with the title of the North Dakota Anti-Saloon Alliance, and the following officers were elected:

President, L. W. Starbird, Fargo; vice president, Rev. J. Hartmann, Jamestown; secretary, M. H. Kniff, Cass County; treasurer, S. S. Lyon, Cass County.

An executive committee composed of one member from each county in the proposed new territory was selected in addition to the officers as follows:

Barnes County, C. E. Helde, Valley City; Burleigh County, Rev. George Klein, Bismarck; Cass County, Hon. Frank English, Casselton; Eddy County, Judge Henderson, New Rockford; Emmons County, James Conner, Williamsport; Foster County, J. Morley Wyard, Carrington; Griggs County, A. N. Adams, Cooperstown; Grand Forks County, H. E. Lickenson, Reynolds; Kidder County, E. Barlow, Steele; LaMoure County, M. Franks, Grand Rapids; Morton County, Doctor Coe, Mandan; Pembina County, Jacob Welhelm, Bathgate; Ransom County, Judge Ellis, Lisbon; Ramsey County, Alexandria Walker, Devil's Lake; Richland County, Rev. G. B. Barnes, Wahpeton; Stutsman County, Rev. N. D. Fanning, Jamestown; Steele County, H. H. Wasson, Hope; Sargent County, Judge Vale, Foreman; Traill County, D. B. Clayton, Mayville; Towner County, E. N. Dickemson, Cando; Wells County, Marshall Brinton, Sykestone; Walsh County, W. C. Kennedy, Grafton.

Most of the counties had already petitioned for the privilege of voting upon the question, and the election would be held in connection with the election on the division question.

#### LOCAL OPTION IN SUPREME COURT

The local option law enacted by the Legislature of 1887 was tested before the Supreme Court of the territory at its session in February, 1888, at Bismarck. The cases before the court were from Grand Forks and Sioux Falls. The first Sioux Falls case was based upon the authority of their special city charter, which it was contended granted license and had not been repealed by the local option law. Another case from Sioux Falls contended that the petition for the election upon the local option proposition did not contain the requisite number of names and that the county commissioners had no authority therefore to submit the question to a vote. In the Grand Forks case it was contended that the local option law had not been legally enacted, and therefore was not a law. In all these cases the court decided against the contestants and upheld the law. The temperance sentiment was predominant in the territory at this period of its career and the courts were inclined to resolve doubtful points in favor of the restricting statutes.

This session of the court was held at Bismarck. Their decision in the Grand Forks case was instructive as to the powers granted the territory by the Organic Act. The case was entitled "Territory of Dakota ex rel. Patrick McMahon vs. Michael J. O'Connor, a deputy sheriff of Grand Forks County." The decision of the court recites that:

The petitioner, Patrick McMahon, was arrested upon a warrant issued by a justice of the peace of Grand Forks County upon complaint filed charging said petitioner with violating the provisions of the local option law, and he having been held to answer at the next term of the District Court of said county, he has sued out of this court a writ of habeas corpus alleging his imprisonment to be illegal upon the grounds, first, that said act of the Legislative Assembly is unconstitutional and void; second, that said act was never enacted by the Legislative Assembly of the territory.

Numerous objections are urged against the validity of the laws, which we have examined in the order presented, and in answering the objections raised it would be well to note that it is considered that the states have power in their sovereign capacity to enact such laws as police regulations, but it is denied that such powers are granted to the territory by the

organic act, and it is contended that the act in question is in conformity with the organic law and the Constitution of the United States. It is sufficient now to say that the organic act of the territory is so far a constitution in character, and the temporary government thereby created is so far sovereign that it has the power to enact any and all laws in the nature of police regulations not in conflict with the statutes and Constitution of the United States. That the power of legislation which extends to all rightful subjects of legislation includes police powers. That the prohibition of the sale of intoxicating liquors is a rightful subject of legislation and is included within the general grant of legislative power granted the territories. That police regulations are necessarily local in their character and could not well be exercised by Congress over all its outlying territory. That it intended to and must necessarily have placed somewhere outside of Congress, but subject to its ultimate control, the power of regulating the affairs of municipal concern in a manner and by means adapted to and in consonance with the character and necessities of the different localities and people to be affected thereby. This law is not open to the objection that it impairs the right of private property, further than all prohibition laws may be open to a similar objection. "It rests upon the fundamental principle that every one shall so use his own as not to wrong and injure another."

We have only to inquire as to the legality and not the expediency of legislative enactments, and that the laws regulating or prohibiting the sale of intoxicating liquors are within the class of rightful subjects of legislation is now too firmly established by uniformity of action both by the Legislature and the courts to be now denied by this tribunal. Nor is it, as suggested, in contravention of the revenue law which grants licenses to sell intoxicating liquors. They were never presumed to grant authority to do the acts licensed, but contemplate a raising of revenue merely through the means employed for its collection. It is not a delegation of legislative power, nor is the law within the prohibition of Congress upon special legislation. Under our theory of government the municipality always had the power of local government. It is in a certain sense inherent in the town, in the city, the county and the sub-divisions of the sovereign government. In a sense it is dormant, but is brought into life and allowed to be exercised by the legislative will. Municipal governments have, from the existence of the nation, been permitted to exercise their police powers in their own way. The municipal charters of this territory have always granted police powers varying in character according to the wishes or necessities of the locality, and unchallenged by the courts. General legislation is often unsuited to the requirements of a large and sparsely settled country, and when such legislation is purely police in character it is not in violation of congressional legislation, but is general in character though local in execution. Nor is the claim open to the last and final objection that it was not enacted in conformity with the organic act and laws of the United States.

It is true that the journals are silent as to some steps which it is urged, the court must say, were necessary to its enactment by the joint action of the two houses of the Legislative Assembly. The court does not necessarily take judicial knowledge of the rules of the Legislative Assembly so far as to determine that the act could not have been passed in accordance therewith, contrary to the certificates of the officers of those bodies. The journals are merely silent. They do not contradict the authenticity of the acts given, by the signatures thereto of the president of the council, the speaker of the house and the executive himself. If this court can examine the journal of the Legislative Assembly in any case to determine whether an act was actually passed, it is sufficient for this case to say it will not declare the law invalid by reason of the failure of the journal to record its passage, and in absence of any affirmative record that it did not secure the affirmance and concurrence of both houses, we cannot say that the certificates of the sworn officers of the two departments of the Government do not upon their face import verity.

The defendant must be remanded to the custody of the officer until discharged by due course of law.

All the judges concurring except Judge Thomas, who dissents on the ground that the law is in conflict with the organic act of the territory, which forbids the Legislature from passing any act impairing the rights of private property.

#### THE SIOUX FALLS SPECIAL CHARTER CASE

In the case of *Burton B. Champion*, an appeal from Minnehaha County from a decree granting an injunction against selling liquor under the local option law, the full wing was the decision which settles the dispute as to general and special laws. The judgment in this case must be affirmed, following the opinion of the court in the case of the Territory *ex rel* Patrick McMahon *v.* Michael J. O'Campbell, above cited, and the court further holds that chapter 72, laws of 1887, is amendatory of and must be construed as a part of chapter 26 of the laws of 1870, and that this latter, as amended, is subject to and modified by the local option law in so far that while the penalties prescribed by the act of 1870 are continued in force, the proviso of the sixth section of the said law repealing all acts, special and general, have the effect to so far modify the charter of the City of Sioux Falls as to make said local option law operative therein.

Following these decisions of the court in the land of the Dakotas, quite a number of the retailers of intoxicants, who had thought the local option law

might be declared invalid on constitutional grounds, disposed of their business and embarked in some line not so exposed to the requirements of law.

#### MANITOBA RAILWAY AT SIOUX FALLS

The Manitoba Railway (later named the Great Northern) was completed to Sioux Falls early in December, 1888, and the citizens through their Commercial Club celebrated the event with a social and festive occasion including a banquet, on the 11th day of the month. It proved to be the most notable event of that pleasing character, Dakota had been favored with. The invited guests included 15 Manitoba officials, 21 citizens of St. Paul, 22 from Minneapolis, 14 from Wilmar, 28 from Granite Falls, 10 from Henley, 2 from Cottonwood, 28 from Marshall, 1 from Rathven, 23 from Pipestone, 14 from Jasper, 2 from Sherman, 5 from Palisades, 4 from Madison, 3 from Hurley, and 7 from Yankton.

At the banquet in the evening something of the importance of the event as viewed at the time can be gathered from the proceedings and addresses which followed the feast, and which in a largely abridged form are here given.

E. W. Caldwell, editor of the Sioux Falls Press, acted as chairman of the occasion.

Mayor Norton on behalf of Sioux Falls extended to Assistant General Manager Mohler and other representatives of the Manitoba, and to the visiting business men a very cordial welcome, and then called upon Attorney J. M. Bailey to express more fully the feeling entertained by Sioux Falls toward President Hill and his important work in aiding the development of the Northwest.

Mr. Bailey reviewed briefly the history of the various efforts Sioux Falls had made to secure the five railroads then centering there, and in doing so paid a high tribute to R. F. Pettigrew, E. A. Sherman, Melvin Grigsby, C. E. McKinney and other citizens who had labored persistently and intelligently in promoting the material interests of Sioux Falls. He said that Sioux Falls had paid liberally for what she had secured and had met every obligation. While reflecting not a particle upon the importance of the other lines obtained, the Manitoba guaranteed the city greater and more wide-reaching results than any other. On this account the welcome to it was most cordial, and the feeling of interest in it and its management prompted this reception.

A. L. Mohler, manager, responded on behalf of the railroad company. He regretted very much the absence of President Hill, who could talk so well upon occasions of this character, but he desired it to be understood that, however little he would be able to say, down deep in the heart of every man connected with the company present on this occasion was a most ardent appreciation of this welcome which had been extended to the company and its representatives.

E. A. Sherman, vice president of the Wilmar & Sioux Falls Road, responded also for the company, and spoke for the city also. He declared that he had been merely a herald in his connection with the movement that had secured the Manitoba, and to its management he paid a very cordial tribute. A more honorable and cordial set of gentlemen couldn't be found. They were ever ready to remedy any wrong and always desirous of meeting any suggestions which may promote the welfare of its patrons.

R. F. Pettigrew, president of the Commercial Club, spoke on behalf of the business men of Sioux Falls. He regarded the advent of the Manitoba as the cornerstone of the city's future. The great cities of commonwealths were built on their eastern borders. St. Paul and Minneapolis, Milwaukee, Omaha, and St. Louis; Kansas City whose growth was the product of the development of Kansas, and so on. The same law was certain to make Sioux Falls a city of 150,000 in twenty years, and St. Paul and Minneapolis must in the meantime look out that a good share of the business of the twin cities was not captured by the queen city.



J. M. Spicer, president of the Wilmar & Sioux Falls, was called on for remarks, but he begged to be excused from anything further than to acknowledge his appreciation of the hospitality of Sioux Falls, and belief in her prosperous future.

A. S. Tallmadge, secretary of the St. Paul Jobbers Union, and her Chamber of Commerce, responded for the business men of St. Paul. He described St. Paul and Minneapolis as being rather husband and wife than twins—the heads of the family spreading out their steel arms to their children all over the north-west. No city in the country could boast the residence of three such railroad presidents as St. Paul can number—Hill, Oakes, Stickney. The cities were particularly proud of the Manitoba, and the advent of this line into South Dakota would work wonders. All honor to the men responsible for such an enterprise. He found in Sioux Falls not only a wonderful development at the time, but the nuclei of immensely grander possibilities—the Commercial Club, the manufacturing institutions, and the series of enterprises in their infancy. In the prosperity of Sioux Falls, St. Paul rejoices and her business men sincerely congratulated them.

Capt. T. M. Gilmore, of Minneapolis, gave an address in behalf of the business people of that thriving city which brimmed with wit and humor. The progress observed here since his last visit was simply marvelous, and to the people who have achieved this and who have organized such a reception he extended most cordial congratulations and acknowledgments in behalf of those for whom he spoke. Minneapolis was a wooer for the commerce of such communities, and would spare no pains to win it. He advised Sioux Falls to bear down hard on the traffic managers of her lines, and make them give such reductions in rates as the conditions deserve.

P. H. Kelley, of St. Paul, was loudly called for, and despite his declaration that he couldn't say anything, he said many good things. He wanted South Dakota to be erected into a state. With the magnitude of what this visit has revealed regarding Sioux Falls, he was astounded and amazed, and the city is only on the eve of a wonderful era. The Manitoba would promote this, and St. Paul's business would struggle for their share in the prosperity.

Col. James H. Drake of both St. Paul and Sioux Falls, delivered an admirable speech, reviewing the history of railroads, their wonderful effect upon the civilization of the century, and the indebtedness which all classes were under to them—the poor as well as the rich. Great wildernesses and prairies have been made thriving commonwealths within a single generation. The genius and pluck of one man within their knowledge had done this in one instance—and now he extended his system to Sioux Falls and on to the southwest, in the direction pointed by that great index finger of Lake Superior he must go—so that it was not impossible that through this city the traffic of Europe and China might pass. The Manitoba and Illinois Central touch here, and nowhere else—another great thoroughfare from the great lakes to the great gulf.

John K. Gamble, of Yankton, spoke for the Missouri slope which was then expectantly awaiting the coming of President Hill's railway:

Not alone because the country needs it in its future development, but we feel that it will speedily bring about the building of a bridge over the Missouri at or near Yankton, and thus add to the commerce of Dakota's enterprising towns an empire of fertile Nebraska lands already fairly settled and productive. The first link the Manitoba will add to its southwestern system will be one that unites Yankton and Sioux Falls by a direct line, and this we look forward to as an enterprise the Missouri slope people will be able to celebrate in connection with our rejoicing over the admission of South Dakota into the Union, and I take this occasion as one of the most appropriate that will offer to extend to all here present, and to Mr. President Hill and whomever he may bring with him, a cordial invitation to visit Yankton and our country at our celebration of the completion of the Manitoba to the Missouri River, not later probably than Thanksgiving day, 1889. Speaking for the delegation from Yankton here present, we are proud of this occasion, and congratulate Sioux Falls that it has been able to give the Manitoba Railway System such a praiseworthy and timely welcome to this portion of our territory.



This concluded the formal reception. The following year the railroad was extended to Yankton.

Surveyors were at work on the Sioux Falls, DeSmet and Northern Railroad in the summer of 1888. The road was designed to run from Sioux Falls via Madison to DeSmet, Clark, Groton and Columbia with a prospect of going on to Oakes, Dickey County. The enterprise proved to be the forerunner of the Dakota Central Railway from Sioux Falls to Watertown.

The Deadwood Central Railroad Company with a capital stock of \$1,000,000, filed its articles of incorporation in Deadwood on the 18th of September, 1888. The officers of the company were J. K. Miller, president and treasurer; Edwin Van Cise, vice president; A. W. Coe, secretary. These officers with John R. Watson and E. M. Dale, composed the board of directors. This road connected Deadwood and Lead City.

The survey of the Manitoba line from Yankton to Sioux Falls was completed about March 1, 1888.

The Burlington & Quincy Railroad Company located an important branch from Alliance, Neb., to Deadwood, Dak., in 1888. The line was built in 1889. It entered Dakota at Ardmore, Fall River County, and thence touching at all important points within the Hills, terminated for the time at Deadwood. This road with its numerous branches, one of which reached Rapid City, was about three hundred and fifty miles in length.

Articles of incorporation of the Yankton, Norfolk & Southwestern Railroad Company were filed November 19, 1888. James H. Teller, J. T. M. Pierce, J. P. Crennan, W. H. H. Beadle, and F. H. Van Antwerp were the incorporators. The company designed to build a railroad from Yankton south through the counties of Cedar, Knox, Pierce, and Madison to Norfolk, Neb.

Oscar E. Rea was appointed register of the Bismarck Land Office July 21, 1888, and Joseph J. Rogers, receiver of the Grand Forks Land Office. Rea was a resident of Northern Dakota.

John E. Carland, of Bismarck, United States district attorney for Dakota, was appointed associate justice of the Supreme Court of Dakota in February, 1888, to succeed Judge C. S. Palmer, of Sioux Falls.

Roderick Rose, appointed United States district judge to succeed Judge Francis, of Bismarck, was a resident of Jamestown where he had resided since 1882, and had been engaged in the practice of law. He was a native of Iowa, and had lived at Davenport, where he began his political career as superintendent of schools. He afterward ran for Congress in the Davenport District in 1880, but was defeated by S. S. Farwell. He had also been mayor of Davenport. He was supported for the appointment of judge in Dakota by the Jamestown bar, ex-Judge Dillon of Iowa, and Governor Church. His appointment gave general satisfaction. With Judge Rose's advent into the circle, the judiciary of Dakota was now all democratic for the first time in the history of the territory.

Frank F. Randolph, of Dakota, was appointed receiver of the Watertown Land Office, Vice D. T. Bramble, deceased.

Samuel T. Leary, of Kentucky, was appointed agent of the Yankton Indians. James P. Luse, of Indiana, was appointed register of the United States Land Office at Deadwood.

J. D. Jenkins, of Osage, Iowa, was appointed agent at Sisseton Agency, Dakota.

J. R. Whitehead, of Vermillion, was appointed register of the land office at Deadwood, Dak., in November, 1887.

Myron O. Rowley, who was the locator of the townsite of Mitchell, was appointed register of the Mitchell Land Office, January 20, 1888, to succeed G. R. Everett. Mr. Rowley was a close friend of Governor Church and president of the Security Bank of Mitchell.

The territorial fair for the year 1887 was located at Mitchell, the city paying to the board of agriculture \$2,000 for the privilege and the distinction.

A large colony of German Russian emigrants from the fatherland located in McIntosh and Logan counties in the spring of 1887. There had been a large settlement of German Russians in Campbell and McPherson counties adjoining for two seasons, and this addition made the entire settlement one of the most numerous and, as it soon became, one of the most thrifty and wealthy in the United States.

A spacious wing and dormitory was added to the Territorial University at Vermillion in 1887, R. H. Booth & Son, of Sioux Falls, having the contract at \$33,000.

The extension to the north wing of the territorial penitentiary at Bismarck was built in 1887, at a cost somewhat less than the amount of territorial bonds voted for the improvement, which was \$25,000.

Hon. H. A. Jerauld, of Lincoln County, who figured prominently in the capital removal affair of 1883 as a member of the council from Lincoln County, removed to California in 1887.

Hon. John O'B. Scooby of capitol commission fame, removed from Brookings to Chicago in 1888, and became connected with the Farmers' Voice, a publication devoted to promoting the principles and purposes of the Farmers' Alliance.

## CHAPTER CII

### BENJAMIN HARRISON ELECTED AND INAUGURATED PRESIDENT

1888-89

TERRITORIAL LEGISLATURE IN EIGHTEENTH AND LAST SESSION—FARMERS' ALLIANCE ORGANIZED BOTH BODIES—THE GOVERNOR'S MESSAGE WITH VALUABLE STATISTICS—PROCEEDINGS INTERESTING—THE OMNIBUS BILL PASSED CONGRESS—COLONEL LOUNSBERRY WRITES A LETTER—MELLETTTE APPOINTED GOVERNOR TO SUCCEED CHURCH—RICHARDSON APPOINTED SECRETARY—BIOGRAPHY OF MELLETTTE—CENTENNIAL OF THE UNITED STATES GOVERNMENT—COUNTY INDEBTEDNESS, NORTH AND SOUTH—CORN IN NORTH DAKOTA—CEMENT PLANT AT YANKTON—NEW YORK TRIBUNE FIGURES.

#### LAST TERRITORIAL LEGISLATURE

The organization of the Territorial Legislature of 1889, if it possessed any party significance was in the interest of a new third party which had been gaining strength for a number of years, and as it appeared, without other influences than those growing out of industrial and other economic conditions of the current period. It was a part of a greater movement that was stirring the producing class in every quarter of the Union. In Dakota it was known as the Farmers' Alliance, and secured a majority of the members of the Legislature by being able to control the nominations made in the various legislative districts, and in some cases by making a third party nomination direct. In the Council it secured the election of one of its leading members to the presidency of that body, and through him a controlling representation on all committees. In the House it secured the election of a republican who it was claimed was pledged to their interest over another republican who was claimed to be an older and sounder friend of the Alliance than the one chosen. But in this apparent inconsistency the Alliance was consistent with its profession of nonpartisanship. Its purpose was to effect an amelioration of certain industrial conditions with which the welfare and material interests of the farming classes were closely and naturally identified, and therefore it pursued the course that promised the speediest way for obtaining through legislation the remedies for the burdens that oppressed them. Transportation, or the carrying of their produce to market, with its attendant marketing, storing and timely delivery was a principal purpose of the organization, hence the territorial laws governing the railroads became of the first importance to them. It can safely be stated that in their efforts along this channel they were warmly supported by the industrial classes generally, whose interests would be favorably affected by the success of the plans of the agriculturists. The organization foreshadowed the entrance into the political field of an element that was destined to wield a potent influence in the shaping of legislation and in the ambition of party leaders.

The Legislature of the territory convened at Bismarck for its eighteenth and last session on Tuesday, January 8, 1889. The Council was called to order by the secretary of the Council of 1887, Hon. Theodore A. Kingsbury, of Codington County, whereupon prayer was offered by Rev. Mr. Klien, of Bismarck. On call of the roll the following members answered to their names:

Rodger Allin, Irenus Atkinson, Peter Cameron, A. W. Campbell, M. H. Cooper, Coe L. Crawford, Robert Dollard, E. C. Erickson, S. L. Glaspell, James Halley, G. A. Harstad, Alexander Hughes, Robert Lowery, Hugh McDonald, John Miller, J. H. Patten, David W. Poindexter, Joseph C. Ryan, C. A. Soderburg, George H. Walsh, F. J. Washabaugh, James A. Woolheiser, A. L. Van Osdel.

All members were present and there were no contests. The oath of office was administered by Governor Church.

The election of the officers of the Council being next in order Smith Stimmel, of Cass County, and Frank Washabaugh, of Lawrence County, were placed in nomination. Mr. Stimmel was supported by the Farmers' Alliance, or rather he was the farmers' candidate, and Mr. Washabaugh the republican candidate. Mr. Stimmel was elected, receiving the vote of the following members:

Messrs. Soderburg, Van Osdel, Patton, Atkinson, Woolheiser, Cooper, Miller, Harstad, Walsh, Allin, McDonald, Cameron, Ryan, Glaspell and Stimmel.

Voting for Washabaugh were Messrs. Poindexter, Crawford, Lowry, Hally, Dollard, Ericson, Hughes and Campbell.

Mr. Washabaugh voted for Mr. Poindexter.

President Stimmel, of Cass County, had been elected as a candidate of the Farmers' Alliance over a republican candidate. On taking the chair he acknowledged his appreciation of the honor, and trusted that the feeling developed in the race had all been born of a kindly spirit, and would not be allowed to interfere with the cordial relations of the members, or with the important duties before the body.

The following subordinate officers were then elected:

R. E. Wallace, of Stutsman County, chief clerk; S. H. Goodfellow, of Brookings County, assistant clerk; Eric Iverson, of Yankton, enrolling clerk; W. W. Gilton, of Lake County, engrossing clerk; W. H. Ellis, of Dickey County, sergeant-at-arms; Rev. Geo. Kline, of Burleigh County, chaplain; Frank W. Hanscomb, of Grand Forks County, messenger; Walter I. Himes, of Union County, doorkeeper; Brisbane, of Sanborn County, watchman; M. Forrest, of Clay County, assistant sergeant-at-arms.

The organization of the House was also determined upon by a republican caucus held at the same time. There were forty-seven republicans and one democrat in the caucus, the democrat being the only representative of his party, did not feel justified in holding an independent caucus, for he would have been obliged to elect himself chairman of the body, make all the motions, and finally nominate himself as the candidate of his party for the office of speaker of the House.

The speakership was the only office considered by the caucus at this evening session, the remainder of the offices of the House being agreed upon at a meeting held Tuesday morning. The proceedings were attended with much excitement, and two hours were consumed in reaching a decision. Judge Aikens had relied upon the support of the Alliance, owing to his well known sympathy with its avowed purposes, but he found the majority arrayed against him after the caucus had assembled. Col. M. M. Price, of Sanborn County, presided. On the first informal ballot for speaker, Hosmer H. Keith, of Minnehaha County, received 27 votes, Judge Frank R. Aikens, of Lincoln County, 19 votes, O. R. Van Etten, of Hyde County, 1 vote, and M. M. Price, of Sanborn County, 1 vote.

Judge Aikens then withdrew his name, and at the same time warned the farmers to be careful how they nominated a railway attorney and bank director for speaker.

J. W. Burnham, of Cass County, was substituted for Mr. Aikens with a view of securing a larger proportion of the northern vote, but on the first formal ballot Keith was nominated, receiving 27 votes again, Burnham 18, J. H. Fletcher, of Barnes County, 1, and H. H. Sheets, of Kingsbury County, 1.



The following named were the members of the House of Representatives-elect, all of whom responded to the call of the roll. First District, Frank R. Aikens, of Lincoln County, and J. V. White, of Clay County. Second District, Joseph Allen and John Turnbull, of Turner County; Frank Morris, of Hutchinson County. Third District, J. G. Jones, of Charles Mix County. Fourth District, H. H. Keith, of Minnehaha; Oscar C. Potter, of McCook; William S. Logan, of Hanson. Fifth District, D. M. Powell, of Davison, and Joseph M. Greene, of Brule. Sixth District, Charles J. Miller, of Lake, and William Ramsdell, of Moody. Seventh District, H. H. Sheets, of Kingsbury, and P. P. Palmer, of Hamlin. Eighth District, Daniel F. Royer, of Jerauld, and Milton M. Price, of Sanborn. Ninth District, Harry Hunter and Burr F. Bixler, of Spink County. Tenth District, John B. Cook, of Faulk, and George W. Ryan, of Walworth. Eleventh District, Frank Lillibridge, of Sully, and Orsamus R. Van Etten, of Hyde. Twelfth District, Thomas A. Douglas, of Day, and Albert L. Patridge, of Grant. Thirteenth District, James H. Fletcher, of Brown; S. P. Howell, of McPherson. Fourteenth District, John D. Patton, of Lawrence; Charles J. Trude, of Butte, and Avery D. Clark, of Custer. Fifteenth District, C. C. Newman, of Sargent, and H. J. Mallory, of Dickey. Sixteenth District, Edwin McNiel, of Cass, John W. Burnham, of Cass. Seventeenth District, Thomas M. Elliott, of Ransom; Ira S. Lampman, of Barnes. Eighteenth District, James O. Smith, of Steele, and Fred H. Adams, of Griggs. Nineteenth District, C. H. Baldwin and R. L. Bennett, of Grand Forks. Twentieth District, Nathan Upham, of Walsh, and Wm. E. Swanson, of Ramsey. Twenty-first District, E. H. Bergman, of Bottineau, and Patrick McHugh, of Cavalier. Twenty-second District, Asle J. Grona, of Nelson, and David R. Wellman, of Eddy. Twenty-third District, Henry S. Parkin, of Morton, and John B. Wellcome, of Ward.

The House of Representatives convened at 12 o'clock, Tuesday, January 8th, and organized by electing Hon. H. H. Keith, of Minnehaha County, speaker, and John G. Hamilton, of Grand Forks County, chief clerk; E. R. Ruggles, of Day County, assistant clerk; T. G. Orr, of Walworth County, enrolling clerk; W. P. Moffitt, assistant enrolling clerk; W. G. Eaking, of Hughes County, bill clerk; Jas. Rorapough, of Lawrence County, sergeant-at-arms; Fred Snore, of Benson County, assistant sergeant-at-arms; Rev. C. S. Lane, of Morton County, chaplain; J. B. Flick, of Emmons County, watchman; H. E. Ward, of Stutsman County, postmaster; Michael McDermion, messenger; Mr. Robt. Dowdell, of Sanborn County, doorkeeper.

Speaker Keith, on taking the chair, made a brief acknowledgment, and stated that he recognized the agricultural interest as foremost of all and the foundation upon which all others rest, and declared that he would endeavor to prove by his acts that those having these interests specially in mind, had not made a mistake in choosing him to preside over the deliberations of the House.

On the first day of the session, Mr. Thomas Elliott, of Stutsman County, introduced the Jamestown Convention's North Dakota bill for a Constitutional Convention. It provided for an election of delegates on March 5th, to a Constitutional Convention to be held at Fargo, the second Tuesday of April, to be composed of seventy-eight delegates as follows:

Barnes County, 3; Burleigh County, 2; Cavalier County, 2; Dickey County, 3; Grand Forks, 7; Morton County, 2; Richland County, 3; Ransom County, 3; Ramsey County, 3; Stutsman County, 3; Pembina County, 4; Cass County, 8; Traill County, 4; Walsh County, 6; Sargent County, 2. All others, including Pierce and Buford, one each.

1888 had been a poor crop year in some counties, and Mr. F. H. Adams introduced in the House a bill authorizing counties to issue bonds to provide seed wheat for those who had lost their crop, limiting the amount of seed to be furnished to 200 bushels to any one applicant.

The joint convention for the purpose of receiving the governor's message was held on the 9th. At this joint session, Judge Aikens introduced a joint

resolution, which was passed by an unanimous vote, declaring for the division of Dakota Territory, and the admission of both sections into the sisterhood of states, under the names respectively of South Dakota and North Dakota. Copies of the resolution were ordered sent to the President of the United States, the vice president of the Senate, the speaker of the House, Mr. Springer, and all members of the committees on territories, and to Delegate Gifford.

## MESSAGE OF GOVERNOR CHURCH

On the second day of the session, the message of the governor was delivered to the Legislature by Governor Church in person, as follows:

Gentlemen of the Council and House of Representatives

In pursuance of custom and as required by law, I have the honor to transmit, for your consideration, a summary of the condition of the public affairs of Dakota and recommendations for legislative consideration.

The sanitary condition of the territory is excellent. Health and contentment reign within our borders in a marked degree and I respectfully submit for your consideration my reports for the years 1887 and 1888 to the Department of the Interior for a full statement of the progress and development of our territory:

**FINANCES OF THE TERRITORY.** Total bonded indebtedness to date, \$1,098,800, expended in building and furnishing the following public institutions:

Date of Issue	Purpose of Issue	Rate Per Cent	Maturity	Amount
May 1, 1883	Insane Hospital, Yankton.....	5	5.20	\$ 77,500
May 1, 1887	Insane Hospital, Yankton.....	4½	5.20	92,500
May 1, 1883	Deaf Mute School, Sioux Falls.....	6	10.20	12,000
July 1, 1885	Deaf Mute School, Sioux Falls.....	6	10.20	16,000
May 1, 1887	Deaf Mute School, Sioux Falls.....	5	10.20	23,000
May 1, 1883	University of Grand Forks.....	6	10.20	30,000
July 1, 1885	University of Grand Forks.....	6	10.20	24,000
May 1, 1887	University of Grand Forks.....	4	10	20,000
May 1, 1883	University of Vermillion.....	6	10.20	30,000
May 1, 1885	University of Vermillion.....	6	5.20	57,000
May 1, 1887	University of Vermillion.....	4½	10.20	30,000
May 1, 1883	Penitentiary, Sioux Falls.....	6	5.20	30,000
May 1, 1887	Penitentiary, Sioux Falls.....	4½	10.20	14,300
May 1, 1883	Penitentiary, Bismarck.....	6	5.20	50,000
July 1, 1885	Penitentiary, Bismarck.....	6	10.20	14,600
May 1, 1887	Penitentiary, Bismarck.....	4½	10.30	29,000
May 1, 1883	Agricultural College, Brookings.....	5	10.20	23,000
July 1, 1885	Agricultural College, Brookings.....	6	10.20	20,000
May 1, 1887	Agricultural College, Brookings.....	4½	10.20	54,500
May 1, 1884	Insane Hospital, Jamestown.....	6	10.20	50,000
May 1, 1885	Insane Hospital, Jamestown.....	6	5.20	63,000
May 1, 1887	Insane Hospital, Jamestown.....	4½	15	153,000
July 1, 1885	Normal School, Madison.....	6	10.20	13,500
May 1, 1887	Normal School, Madison.....	4½	15	35,800
July 1, 1885	School of Mines, Rapid City.....	6	10.20	10,000
May 1, 1887	School of Mines, Rapid City.....	5	10.20	23,000
May 1, 1887	Reform School, Plankinton.....	5	10.20	30,000
May 1, 1887	Normal School, Spearfish.....	5	10.20	25,000
May 1, 1887	Refunding bonds to refund 6 per cent 5.20 year bonds issued May 1, 1881.....	4½	10.20	90,000
Total.....				\$1,098,800

The bonds authorized by the last Legislature were for the building of additions to our overcrowded public institutions, benevolent and penal. It seemed an absolute necessity for the health and safety of the inmates of these institutions that large additions be provided for, and necessarily bonds must issue.

It is also true that our educational institutions, growing with our territory's great growth, needed more room and better accommodations and equipments. The applications for admission were greater than the facilities would accommodate. The buildings themselves are not shells, or in any sense temporary structures. They are on the contrary well built structures of solid brick, heated by steam, thoroughly ventilated, and filled with all the modern improvements, excelling in convenience and adaptability many of the famous schools in the eastern states.

The bids for the bonds authorized by the last Legislature were received and opened May 30. The highest bid was par and 0.52 per cent premium. Five-sixths of the bonds issued and sold bore  $4\frac{1}{2}$  per cent interest, the balance 5 per cent, most of them subject to an option clause reserving the right to redeem in five and ten years. This clause was a great hindrance in the sale of the bonds, as investors and those controlling trust funds prefer long time bonds or a definite day for payment. This fact, coupled with the other fact that Dakota is still a territory and the date of admission into the Union uncertain, made investors over-cautious. This timidity existed in spite of our showing that we had \$1,570,000 assets for every thousand dollars we owe.

I predict that when Dakota is a state her 3 per cent bonds will sell more readily than the  $4\frac{1}{2}$  per cent bonds did. Nevertheless, this is the first time in the history of the United States that a territorial bond sold for less than 5 per cent, and we have conclusive proof that Dakota's credit is better than many of the states and rich municipalities of the East.

Total receipts and disbursements for the years ending November 30, 1887 and 1888: Balance in treasury November 30, 1886, \$232,982.63; received for the sale of bonds, from territorial tax, railroads, insurance companies and surplus insurance fees and other lesser items, \$1,888,388.00, during the two fiscal years named; and paid out for auditor's warrants, counties proportion of railroad tax, interest, bonds refunded and other lesser items, \$1,773,498.22, leaving a balance in the treasury, November 30, 1888, of \$94,800.58.

The total value of property in the territory, as shown by the assessment roll for the year 1888, amounts to \$161,420,974.30. As 4,300 miles of railroad and other property in the territory belonging to railroads is not assessed and form no part of the above valuation (railroads being taxed upon their gross earnings), and as property is usually assessed at from one-half to two-thirds of its actual value, it is a moderate and safe estimate to place the actual property value or wealth of the territory at \$320,000,000.

The unsurpassed development of the territory has necessarily led to large increase of government expense. I am of opinion that the public welfare will in no instance be promoted by an appropriation for any new institution, or for improvements or additions to present institutions. On the assembling of the last Legislature some of our institutions were not completed, others not completed to the extent necessary to place them in condition for the object intended. The asylums undoubtedly needed enlarging. The Madison Normal School had been destroyed by fire and rebuilt under the encouragement that an appropriation therefor would not meet with executive disfavor. This condition of affairs does not now exist. All of our institutions are completed, and as completed are ample for the needs of the territory for some years to come, or future state or states for some years to come. I earnestly recommend a most rigorous scrutiny in matters of appropriation. The financial credit of the territory could hardly be better and the ability of the territory to provide for and meet all its obligations is extremely gratifying.

Reports from the auditor, treasurer, superintendent of public instruction, commissioner of immigration, adjutant general, public examiners, board of health, board of railroad commissioners, veterinary surgeon, boards of agriculture, dental examiners, boards of pharmacy, the School for Deaf Mutes, the North Dakota University, the University of Dakota at Vermillion, the Agricultural College, the Normal School at Madison, the Normal School at Spearfish, the School of Mines, the insane hospitals at Jamestown and Yankton, the Plankinton Reform School, and the penitentiaries at Bismarck and Sioux Falls are all respectfully submitted, and I especially urge careful consideration of the report of the auditor and the many important suggestions therein.

**THE YANKTON HOSPITAL TROUBLE.** The last Legislature appropriated a sum of \$92,500 for the construction of two additional wings and other improvements at the asylum at Yankton. Charges of irregularity having been made against a majority of the board of trustees of this institution, and an examination having been made by the public examiner, and a report of such examination having been filed in this office, as provided by law, upon careful consideration of such report and testimony taken, I deemed it my duty to withhold my sanction to the expenditure of this appropriation under the then existing board.

After due consideration of the report of the public examiner, on September 30, 1887, I suspended from further performance of the duties of the office of trustee a majority of the members of the board, and on the 2d day of November, after further considering the report of the public examiner and the evidence submitted on his examination, removed for official misconduct and neglect of duty the majority of the board affected by my order of September 30, the balance of the board having tendered their resignation, and thereupon appointed and commissioned an entire new board consisting of five members. The removed members took legal proceedings to test the power of the governor to make such removals, which proceedings were decided adversely to the old board and the action of the governor sustained. The new board have proceeded with the construction of the two additional wings, provided for by the act of the Legislature above referred to, and such improvements are rapidly approaching completion. I respectfully submit the report of the public examiner and the evidence taken on such examination.

The trustees of the Jamestown Insane Asylum exceeded their appropriation by some \$20,377 for two years ending March, 1887, which deficiency was provided for by the last Legislature. In their report now submitted, it appears a deficiency again exists. At this time, January 8, the amount is \$8,923.05. My attention was called to the management of



the fund appropriated for this institution and I directed the public examiner to examine and report. Considering the near approach of the session of the Legislature I concluded to take no action in the premises until your honorable body had opportunity to pass upon the matter. The evidence shows a laxity of management, which amounts to a disregard of care in the management of the funds for its maintenance.

In June, 1887, the following circular letter was issued from the executive office and a copy mailed to each trustee, superintendent and warden of each of our public institutions:

Territory of Dakota, Executive Office, Bismarck, June 27, 1887.

Gentlemen: I would call your attention to the necessity of keeping the expenditure for each of the territorial institutions within the limit of the appropriation made by the Legislature and see that the expenditure for 1887 does not encroach on that part that should be reserved for 1888, and if possible have a surplus when your next report is made.

The appropriations are liberal, and should you exceed your appropriation you are running the risk of incurring a personal liability. Should the present incumbent remain as the executive he will at the next session of the Legislature look with disfavor on all legislation making any appropriation for deficiencies. The fact that there has been legislation in the past making appropriations for deficiencies will be no precedent for the future.

Further, no fund or part of any fund must be used for any other purpose than that which the Legislature designed in making the appropriation.

Respectfully, LOUIS K. CHURCH, Governor.

The manner of managing our public institutions is extravagant. Until the passage of the public examiner's act there was no connecting link between the territorial government proper and the various boards, and while that law has proved very beneficial in its operation, yet there is no law that enables the governor or auditor, or any other official, to restrain extravagance and curtail expenses of the various boards. An examination will show the payment of large and excessive salaries, and the employment of unnecessary help in many instances, when good management and the application of business principles to a reasonable degree would result in the same service being rendered to the public, at a large saving to the territory.

I believe that the whole system of boards of trustees for our different institutions should be abolished and the establishment of a non-partisan board of charities and corrections, which should have charge of our charitable and penal institutions, with power to appoint the wardens and superintendents and chief officers of said institutions. Said board to regulate the number of employees and the salaries of the same, and to have general control thereof. And a board of regents, with full power to regulate and control our educational institutions, are suggestions worthy of your consideration. The cost to the territory during the past two years for the different boards has amounted in the aggregate to \$29,777.32, certainly an exorbitant amount considering the nature of the duties performed.

If the above suggestions are not followed, the number of meetings of boards, for which they receive compensation, should be limited and the amount of compensation therefor fixed, and no other compensation should be allowed save for such service as may be performed by the order or consent of the governor and allowed by the auditor. Large bill for expense of traveling and services rendered without the territory are frequently presented.

The cost of conveying insane to and from asylums and prisoners to penitentiaries should be a charge upon the respective counties, and the expense appertaining to requisitions should likewise be chargeable to the counties. Excessive bills are constantly being presented in matters of this kind. Were these matters referred to the counties the county commissioners would exercise a care and scrutiny in allowing bills or claims that would result in a large saving, and in no way interfere with the public service.

Expense of carrying insane last two years.....	\$29,084.33
Transportation of convicts.....	7,536.98
Requisitions.....	7,711.61

Total

\$44,332.92

This amount, together with cost to the territory for various boards of trustees (\$29,777.32) amounts to \$74,113.24.

The auditor is powerless in many instances to prevent overcharges, having no power to reduce extravagant bills and no power to examine into the justness thereof.

The original bills or vouchers from all institutions should be presented and filed with the auditor before any warrant on the treasury is issued.

The power of the auditor should be enlarged so that he may examine into and allow or disallow, in whole or in part, claims against the territory.

Allowing students from other states to attend our educational institutions without requiring a payment into the territorial treasury of an amount which will be a fair equivalent for the privilege enjoyed should be prohibited, and in no case should such sum be paid to the board of trustees or treasurer thereof. Such a practice encourages the filling of our institu-



tions with non-residents (because of the increase of revenue to the boards) and also tends to limit accommodation for our own pupils.

There should be some restriction regarding a class of insane that come within our borders. There can be no good reason advanced why those entitled to admission to our insane asylums should not have resided within the territory for a certain period of time, and provision should be made for the prompt return to the states or territories where they belong of that class of insane who have not a habitation or residence in this territory and have not acquired one as may be required by law. And provision should be made to compel those parents or guardians, who are financially able to do so, to contribute towards the support and care of such relatives as may be inmates of our asylums, and the law should further provide that such fact should be ascertained by the committing officer or officers, and the evidence taken on such examination filed with some competent authority to act in the premises.

In case the trustee system of our institutions is not abolished, the law that requires a majority or any number of trustees from our public institutions to be appointed from the county where the institution is located should be so amended as to abrogate such requirement.

The result of the law as it now stands localizes many of our institutions and deprives them of their territorial character and management. The territory in effect has a minority representation on these boards. Our institutions are not only localized but controlled by local influences, and too often to the detriment of good financial management. The control of our institutions should be purely territorial in character. The administration of the affairs of the same would thereby be improved and cheapened, and they would be removed as a factor in local politics.

A number of cells in the penitentiary at Bismarck are vacant and I have been communicated with in reference to receiving prisoners from other territories. I suggest the propriety of enabling the proper authorities to contract for the care of prisoners from other states and territories.

**COMPILED LAWS.**—At the last session of the Legislature an act was passed providing for the compilation of the laws, and provided that the governor should, by proclamation, announce the acceptance of such compilation, and that thirty days after such proclamation said compilation shall be as valid as original enrolled acts. The compilers completed the work as required by law, but after careful consideration I deemed it wiser to withhold said proclamation and submit the work to the Legislature for consideration and approval, as there was not, by the act providing for such compilation, sufficient time allowed for the examination, which a work of the kind required; and the further desire on my part not to risk the creation of questions which would disturb our whole legal system and give rise to endless litigation. I respectfully submit said work for your consideration and action.

**APPROPRIATIONS.**—A general law should be passed fixing the time when all appropriations shall begin and terminate, unless otherwise provided in the act making the appropriation, and the auditor should be empowered to cover back into the territorial treasury all balances of appropriations remaining, when new appropriations are made.

There remains a balance in the territorial treasury from the appropriation of funds raised for the purpose of the constitutional convention for South Dakota. Provision should be made for repayment to the counties from which it was received of any amount remaining in the treasury after the object contemplated shall have been attained.

A general law empowering the governor to restore citizenship to such as may have lost the same would relieve the executive of numerous applications for pardon and would be just and wise in many instances.

**ASSISTANT COUNSEL.**—The trial of cases of importance where the public are concerned often require assistant counsel. Judges of courts of record, where such causes may be pending, should be authorized to appoint a counsel or assistant counsel and fix their compensation, when in their opinion the public service requires such employment.

**COUNTY COMMISSIONERS.**—The auditing and allowing of claims by county commissioners and the issuing of warrants where there is no money in the county treasury is contrary to sound business principles and tends to produce financial discredit and injury and leads to the paying of excessive prices for county needs. The passage of a law prohibiting the auditing or issuing of warrants in excess of funds in the treasury would be in the interest of an economical administration of affairs and beneficial to the public credit.

**STOCK COMPANIES.**—The incorporation of companies and the issuance of stock and bonds by companies representing little or no value, and the increasing of capital stock by the same, should be regulated and controlled by law so as to render it difficult if not impossible to impose upon the public through the medium of powers exercised and sanctioned by law, leading many to believe there is stability and substance where in reality there is nothing. Thus the power of the state is in fact loaned to the accomplishment of imposition and wrong.

**INSURANCE COMPANIES.**—The present laws pertaining to the business of insurance are so imperfect that it is impracticable to attempt to correct them by amendment. If it is not thought best to enact an entirely new law which shall cover the numerous branches of insurance, some legislation should be had, at least in the matter of the organization and control of life insurance companies, and the present laws made general as far as they apply to Dakota companies, preventing as far as possible the abuse of using fictitious or borrowed

capital, and subjecting all insurance companies organized under the law of Dakota to the examination and control of the insurance commissioner or auditor, and protecting policyholders from imposition and fraud.

**RAILROAD COMMISSIONERS.**—The board of railroad commissioners have, during the past two years, endeavored to carry out the provisions of the grain and warehouse law, passed at the last session of the Legislature, and also discharge their duties applicable to railroads so that the same might meet with approval.

In consequence of the very limited power this has been very difficult. Such good as they could accomplish comes as a matter of courtesy, not as a recognized right, or by virtue of any power of the commission. This is not only humiliating to the commission but a sacrifice of dignity on the part of the territory.

The power of the commission should be greatly enlarged. They should have power to recommend and compel roads to connect their tracks with other roads at terminal or junctional points, to locate side tracks, to require running connections to be made with other roads, and to exercise such other powers as prudence and the public welfare require over railroads, express companies and telegraph lines. And the grain and warehouse law should be amended so as to confer upon the commission a proper degree of authority in the regulation of warehouses and elevators. The commission should have power to, and the courts provided with, a speedy and specific remedy to enforce recommendations when in their judgment proper.

**CAUCUSES AND PRIMARY ELECTIONS.**—I would further recommend that the law applicable to caucuses or primary elections be enlarged, to the end that all political parties or associations of individuals may, in their caucuses or primary elections, be protected in the same, and the conduct thereof be free from interference or annoyance from those of a different political belief. This could easily be accomplished by allowing each political party or association, through the medium of their organizations, to fix the qualifications of those who would be entitled to vote at a caucus or primary, and as far as possible the general election laws should be made applicable thereto, imposing the same penalties.

**COUNTY TREASURERS.**—The passage of a law making county, city and other treasurers ineligible for election or appointment to successive terms would be a step in the direction of subjecting financial accounts regularly to careful examination, and would operate as a protection against the mismanagement of public funds.

**PUBLIC EDUCATION.**—Great confusion exists in the laws applicable to public education. The existing two systems, known as the township system and the district system, leads to embarrassment in construing the statutes and necessarily to great annoyance to those who act under the law. I would suggest a uniform system for the entire territory.

**MILITIA.**—The militia of the territory consists of twenty companies of infantry (two mounted) and one of artillery (two regiments). The infantry is fully equipped with late improved model Springfield musket, caliber 45. The artillery company is furnished with two three-inch rifled cannon, with carriages and equipment complete. The command is under the supervision of Col. Mark W. Sheafe, senior ranking colonel. All orders issue through the adjutant general's office. The general staff consists of an adjutant general, a quartermaster, a commissary of supply, inspector, judge advocate general, chief engineer and ordnance, surgeon general and usual number of aides-de-camp. The effective strength at the present date is 1,020 enlisted men and eighty-four commissioned officers of the field, staff and line. The general staff consists of twenty-two commissioned officers.

Blunt's system of rifle practice, the same as adopted by the United States army, was commenced at the encampment held at Huron in September, 1887. Tactics and uniform conform to United States regulations. The command is required to attend an annual muster and inspection, and each company is required to perform not less than twelve additional drills, parades, musters and inspections per annum. An annual muster is provided for. The Legislature appropriated \$18,000 for militia purposes. Experience, however, has shown that two annual musters or encampments cannot be held and the expense be confined within the appropriation.

The annual expenditure for armory rent is \$6,250; clothing allowance, \$7,014; total, \$13,264. In 1888 no encampment or muster was held owing to the disinclination to incur an expense in excess of the appropriation.

As at present organized the companies are all located east of the Missouri River. Certainly a reorganization should be provided for. If an organized militia is necessary or desirable, the same should be reorganized. The companies should not be located in one part of the territory to the exclusion of the other, especially when the cost of maintaining the establishment is borne by the entire territory. I am constrained, however, to recommend the abandonment of the annual encampment, and providing for no more than ten companies of fifty men each, or that the force be not allowed to exceed 500 officers and men, or two regiments of 250 men each. The governor could be empowered in case of emergency to increase the number.

The militia now costs the territory \$18,000 a year and is entirely too expensive. The annual allowance of \$300 to each company for armory rent is too large and is often an excessive rent for accommodations furnished, but the law is arbitrary and fixes the sum at \$300. The amount of rent paid for armory purposes should be approved by the adjutant

general and governor and should not be more than a fair compensation for the accommodations furnished.

**TAXATION.**—All property, tangible and intangible (except such as from sound policy may be made exempt) should be taxed. While it is impossible to subject every interest to its just share of taxation, it is possible to adopt a system of laws which will be uniform in its character and equitable in its application.

A large amount of property invisible in character and shifting in nature, now escapes taxation, and which is largely, if not entirely, in the hands of those who are best able to pay taxes. Some means should be devised to reach and tax this class of property. Legislation must be had, not only to enforce taxation, but against temptation to evade taxation. The inability to discover property and our defective system should be remedied as far as possible. Our taxes should be deprived of a personal character and our tax system be impartial in its application, exacting the public revenue from all persons and classes in proportion to their ability to pay. All the following (in addition to real estate) should be subject to a judicious tax:

"Incomes, inheritances and bequests, railroad and steamboat and transportation companies, express, palace car and sleeping car companies, telegraph and telephone companies, banks (territorial and national), loan and trust companies, insurance and indemnity companies and their bonds and evidences of indebtedness, public elevators, warehouses and storehouses for grain, insurance agents and agents for all companies or corporations of other states, horse car, ferry, gas, electric, light, and all franchises and licenses granted, and all corporations or quasi corporations organized and doing business in the territory should pay a tax on the actual value of their capital stock after deducting the assessed value of their real estate, and in addition a tax measured by their dividends. A tax with propriety might be adjusted to some of the interests above named, on the principle of gross earnings."

Personal property belonging to non-residents should be listed for taxation in the tax precinct where the property is located. While some of the interests above named pay their just proportion, others pay only a portion of what they should pay and others pay none at all. Bank stock is assessed under chapter 140, laws of 1887.

The territorial treasurer received from all telegraph companies in the territory during the last two years \$3,778.10; viz., \$1,655.80 in 1887, and \$2,122.30 in 1888, certainly a very inadequate sum considering the telegraph property in the territory.

Real estate, by its nature, generally pays not only its full share, but the great burden of taxation is borne by that class of property. When we leave real estate and go nearer the realms of property, personal in its nature, the nearer we can indicate, specify and describe the property or interest to be taxed the better. Our statutes in many instances are so wanting in precision and so general in their wording that while it may be possible for assessors to reach much property not now assessed, this general language of our laws enables assessors to either neglect or to exercise a discretion without open violation of duty.

In all matters relating to taxation the duties of assessors and collectors and boards of equalization should be clearly defined and the law applicable to the duties of assessors and collectors mandatory in its nature, no discretion should be allowed them but to assess and collect as indicated, and they should be liable to a severe penalty for breach or neglect of duty.

A general law requiring that all licenses or privileges, in the nature of franchises, hereafter granted by all cities or towns, shall be disposed of at public auction for a percentage of gross revenue. While not of great value, perhaps, at present, it would in time to come result in great benefit.

A system of taxation that would eventually lead to exemption of real estate from taxation for territorial or state purposes, would be very desirable and could largely, if not entirely, be accomplished by the territorial taxes being collected from a class of property, corporate and personal in its nature. I would also suggest the propriety of allowing taxes to be paid semi-annually, especially on real estate, allowing a rebate to those who pay the full amount of the tax at the time the first payment is due.

**TAXATION OF RAILROADS.**—The question of the taxation of railroads has received a great deal of attention. In 1870 the Territorial Legislature passed an act providing, among other things, for the taxation of railroads under the gross earnings system. I quote the following from section 24:

"The percentage of gross earnings hereinbefore specified to be paid in pursuance of this section shall be in lieu of all other taxation of the road bed, right of way, station or depot grounds, track, rolling stock, water stations, water tanks, turn tables, engine houses, machine shops, depots and necessary buildings, tools, machinery for repairs, gravel beds, furniture, telegraph instruments and lines, and fuel of such railroad corporation used in or incident to the operation of such railroad. All property of railroads not above enumerated, subject to taxation, shall be treated in all respects, in regard to assessment, equalization and taxation, the same as similar property belonging to individuals, whether said lands are received from the general government or from other sources."

In 1883 the Legislature passed another act providing for the collection of taxes on railroad property. The following is a part of section 1 of said chapter:

"In lieu of any and all other taxes upon any railroads, except railroads operated by horse power, within this territory, or upon the equipment, appurtenances or appendages thereof,



or upon any other property situated in this territory belonging to the corporation owning or operating such railroads, or upon the capital stock or business transaction of such railroad company, there shall hereafter be paid into the treasury of this territory a percentage of all the gross earnings of the corporation owning or operating such railroad, arising from the operation of such railroad as shall be situated within this territory as hereinafter stated, that is to say: Every such railroad corporation or person operating a railroad in this territory shall pay to said treasurer each year for the first five years after said railroad shall be or shall have been operated, in whole or in part, two (2) per centum of such gross earnings; and for and in each and every year after the expiration of said five years, three (3) per centum of the said gross earnings, and the payment of such per centum annually, as aforesaid, shall be and is in full of all taxation and assessments whatever upon the property aforesaid."

It is to be observed that in 1879 there were but few miles of railroad in the territory, while at present there are nearly four thousand five hundred miles. As the law stood prior to 1883 it is plain that the Legislature did not intend to exempt from the ordinary and usual method of taxation only such property as was actually used in, or necessarily incident to, the operation of the roads.

Whether said chapter 99, Laws of 1883, goes further and exempts more property than is used in and incident to the operation of the roads is a disputed question between the officers of the territory and the railroad companies.

In the year 1880 the officers of the County of Traill, authorized by law to assess property therein, for the purpose of taxation, assessed and levied taxes for that year upon lands granted to the Northern Pacific Railroad Company for the purpose of aiding in the construction of said road, said lands not being a part of the road bed, or any way used for railroad purposes. The county treasurer proceeded to advertise said lands for sale for non-payment of taxes. An application was made to the Territorial District Court to enjoin the collection of such taxes. On appeal the Supreme Court of the territory gave judgment for the defendant. Appeal was taken to the Supreme Court of the United States (*Northern Pacific Railroad Company vs. Traill County*, 115 U. S. Reports, page 600), and the decree of the Supreme Court of the Territory of Dakota was reversed, with directions to cause a decree to be entered perpetually enjoining the treasurer of Traill County from any further proceedings to collect the taxes, the court holding the provisions in the act of July 17, 1870 (10 Stat. 201, page 205), that the lands granted to the Northern Pacific Railroad Company by the act of July 2, 1864 (13 Stat. 365), shall not be conveyed to the company or any party entitled thereto "until there shall be first paid into the treasury of the United States the cost of surveying, selecting and conveying the same by the company to party in interest," exempt these lands from state or territorial taxation until such payment is made into the treasury. "That the Northern Pacific Railroad Company has acquired no equitable interest in the lands so granted to it by reason of completing its road and thus earning its granted lands which are subject to state or territorial taxation before such payment is made into the treasury of the United States." The doctrine promulgated by the Supreme Court in this case was set aside by act of Congress, approved July 10, 1886, which provided as follows:

"That no lands granted to any railroad corporation by any act of Congress shall be exempt from taxation by states, territories and municipal corporations, on account of the lien of the United States upon the same, for the costs of surveying, selecting and conveying the same, or because no patent has been issued therefor, but this provision shall not apply to lands unsurveyed; provided, that any such land sold for taxes shall be taken by the purchaser subject to the lien for costs of surveying, selecting and conveying, to be paid in such manner by the purchaser as the secretary of the interior may by rule provide, as to all liens of the United States, all mortgages of the United States, and all rights of the United States in respect to such lands; provided further, that at any sale of lands under the provisions of this act the United States may become a preferred purchaser, and in such case the lands sold shall be restored to the public domain and disposed of as provided by the laws relating thereto."

The territorial officers caused the surveyed lands belonging to the Northern Pacific Railroad Company to be assessed both in 1887 and 1888. As yet the company has not paid the taxes upon said lands. The Northern Pacific Railroad Company refused to pay the installment of percentage upon its gross earnings, which became due August 15, 1887. For the purpose of satisfying said tax the territorial treasurer distrained a large amount of rolling stock. The corporation brought suit to prevent the sale, and obtained a permanent injunction from the District Court restraining it.

The company made its return of earnings on the 31st day of December, 1886, as required by law, and from such return the tax for 1886 was, in round numbers, \$76,000, one half of which became payable on or before February 15, 1887, and the other half on or before August 15, 1887. The statement filed by the company included earnings arising from the operation of its road in transporting goods and passengers through the territory from points without, to points within, and from points within to points without the territory, as well as between points local within the territory.

The company in its complaint showed that the tax upon its earnings local within the territory, would not for the year exceed twelve thousand dollars. The \$38,000 which became



due February 15, 1887, was paid by the corporation, and the suit was maintained upon the grounds that the tax upon all the earnings not local within the territory was a tax upon interstate commerce and void, and the company having already paid more than the whole tax on local earnings for the year, no more could be collected. The case was taken to the Supreme Court of the territory, and the decision of the District Court affirmed, following the cases of *Fargo vs. Michigan*, 121 U. S. 230, and *Philadelphia Steamship Company vs. Pennsylvania*, 122 U. S. 326.

Section 1925 of the Revised Statutes of the United States provides as follows:

"In addition to the restrictions upon the legislative power of the territories contained in the preceding chapter, section 1925, the legislative assemblies of Colorado, Dakota and Wyoming shall not pass any law impairing the rights of private property, but all property subject to taxation shall be taxed in proportion to its value."

The question then arises whether the gross earnings law above referred to is not in conflict with this section of the Revised Statutes. This question was not raised in the late suit by the territorial treasurer to enforce collections under the gross earnings law. The Northern Pacific Railroad Company during the year 1888 has paid about ten thousand dollars tax under the gross earnings law.

The following interstate railroads paid on total gross earnings:

Chicago & Northwestern.

Chicago, St. Paul, Minneapolis & Omaha.

Minneapolis & St. Louis.

Minneapolis & Pacific.

Burlington, Cedar Rapids & Northern.

The following paying on their local or territorial earnings:

Northern Pacific.

St. Paul, Minneapolis & Manitoba.

Chicago, Milwaukee & St. Paul.

Section 2 of the act incorporating the Northern Pacific Railroad Company provides as follows:

"That the right of way through the public lands be and the same is hereby granted to said Northern Pacific Railroad Company, its successors and assigns, for the construction of a railroad and telegraph as proposed. Said way is granted to said roads to the extent of 200 feet in width on each side of said railroad where it may pass through the public domain, including all necessary ground for station buildings, depots, machine shops, switches, side tracks, turn tables and water stations, and the right of way shall be exempt from taxation within the territories of the United States."

In the case of the Northern Pacific Railroad Company vs. Carland (Fifth Montana, 140), the Supreme Court of Montana held that:

"By virtue of the above (section 2 of the company's charter), exemption from taxation formed a part of the consideration for the undertaking and contract on the part of the company, and that such contract cannot be impaired by the National Legislature, much less by an act of a Territorial Legislature, which owes its existence to its organic act given by Congress. As well might such Territorial Legislature undertake to repeal the organic act which called it into being as a territory. \* \* \*

**RESTRAINING TAX SALES.**—The practice of courts or judges granting injunctions or stays in matters of sales for unpaid taxes should be prevented and prohibited by proper legislation. No temporary injunction should in any case be allowed to issue, unless the amount of tax is first paid. This would in no way impair the remedy of a party to proceed by action to procure the vacation of an improper or unlawful tax. Under the pretense of a tax being void upon its face, injunctions or stays of tax sales are often procured that are predicated on no merit and collection of the public revenue is consequently delayed and embarrassed.

There is ample time between the levy of a tax and the time provided by law for a sale for delinquent taxes to enable any person aggrieved to have his action testing a tax determined by the courts, and those who wait until sales are about to occur should not be favored by extraordinary remedies which operate unjustly to the public. (Pardons and communications from various parties are here mentioned by their titles. The message then concludes.)

The executive welcomes to the legislative halls of Dakota, that branch of its government to whom largely if not entirely is confided the welfare of the people. Through your instrumentality abuses may be corrected and prevented, the great and growing interests of Dakota fostered, protected and advanced. Let legislation be just to every individual and interest, equitable in its application and undiscriminating in the enforcement or protection of a right, the redress or prevention of a wrong, or the punishment of a public offense, to the end that every individual may rejoice in the fairness and wisdom of your enactments and every interest be content and satisfied with the impartiality thereof. And with a strong desire on my part to be in accord with the Legislature in considering and disposing of the public business in these closing hours of territorial government and joining in the prayer and hope that the mantle of statehood may soon rest upon the Dakotas, I respectfully submit my message for your consideration.

LOUIS K. CHURCH, Governor.

In the Council, Mr. Forest, of Barnes County, was appointed assistant sergeant-at-arms; Henry Ward, page; A. J. Parshall, of Hanson County, messenger.

Representative Morris, of Hutchinson County, on the 9th, offered an amendment to the rules of last session to be known as rule 50, which provided that any bill offered or introduced by request of the territorial Alliance may be called up at any time for any purpose, regardless of its regular order by a majority vote. The amendment to the rules was agreed to, though Representative Mallory, of Dickey County, said he favored the Alliance, "but he had not gall enough to vote for such a measure at that." The speaker voted for it. This rule was afterwards repealed. Mallory's lack of gall proved contagious after a few days of experience.

Judge Aikens, on the 11th of January, introduced in the House a bill to reconvene the South Dakota Constitutional Convention in order to adopt the Platte amendments contained in his Senate bill for South Dakota's admission then pending, and to submit the constitution so amended to a vote of the people, and it also provided for a new election of state officers and members of the Legislature.

On the 11th, Councilman Van Osdel presented a resolution for an investigation of the Yankton Insane Hospital, suggested by the governor's message.

Representative Fletcher, of Brown County, introduced a railroad bill which made the railroad commissioners elective by the people instead of appointive by the governor, and also made important changes in the law, adding new features and giving the commissioners increased powers.

On the 12th, Councilman Hughes, of Burleigh County, introduced a bill providing for the Australian election system.

On the 14th, Col. M. M. Price, of Sanborn County, introduced a bill establishing a Soldiers' Home at Hot Springs, Fall River County, and authorizing the issue of \$60,000 territorial bonds therefor.

The seat occupied by Hon. George Walsh, of Grand Forks County, was contested by George M. Winship also of Grand Forks. The case was heard in Committee of the Whole on the 15th of January, and decided in favor of Walsh, the sitting member.

A Woman's Suffrage Committee was appointed by the House on the 15th of January consisting of Representatives Van Etten, Cooke, Lillibridge, Newman, Price, Burnham and Potter. On the same date Councilman Van Osdel introduced a bill to appropriate \$1,000 cash to the widows of each of the men killed by the falling walls at the Yankton Insane Hospital, and \$250 to Rannie Vognild, injured.

On the 16th the Yankton Hospital bill for an investigation of its affairs had passed both Houses, with Councilmen Washabaugh and Campbell and Representatives Fletcher, of Brown, Burnham (democrat), of Cass, and Harry Hunter, of Spink, as the committee. The governor vetoed the bill on the ground that it was the duty of the public examiner to make the investigation. He said he favored the investigation but advised economy. The bill was passed over his veto.

January 16th, the members visited the Grand Forks University.

January the 23d the governor sent to the Council the nomination of J. A. Ward, of Sioux Falls, to be territorial auditor, and P. F. McClure, of Pierre, to be commissioner of immigration. The council went into executive session to consider the appointments, and without confirming them, adjourned. The sentiment of the Council was that it was too early in the session for the appointment of officers, and as Governor Church would probably be superseded by an appointment made by President Harrison soon after March 4th, they were not disposed to act upon any appointments for the time being. It was claimed that the governor was not disappointed by this negative action of the Council, and wanted to test the temper of the body on the subject of appointments. He made no further

effort in that direction until the close of the session when he sent a full list of officers subject to gubernatorial appointment, but the Council refused to act upon any.

January 25th, woman's suffrage was defeated in the House by a vote of twenty-eight to seventeen. On the 26th the North Dakota Constitutional Convention bill passed, amended not to take effect until March 5th, and not then if Congress provides an enabling act for North Dakota. Representative McNiell introduced a bill locating the Agricultural College of North Dakota at Casselton, and appropriating \$10,000. Congress, in the enabling act, donated 50,000 acres to the Agricultural College at Fargo. Mr. McNiell's bill had to give way.

January 30th, the governor vetoed the bill to provide seed wheat for farmers who had lost their crops the season previous, and another measure was passed to cover the governor's objections, but he also vetoed that, which called for the Legislature to remonstrate, which it did by passing the bill over the veto.

A memorial to Congress urging the passage of the Platt Dakota Division bill was introduced early in the session, but objections were alleged against it in the Council because its phraseology was somewhat dictatorial coming from the Legislature of a territory to the Congress of the United States and the document was held up for more mature deliberation. Soon after the prospect of Congress doing something definite and at once to divide and admit, influenced further delay, and very soon the enabling acts came along and the memorial became a "back number." Dakota's memorial days, pleading for division and admission had been limited by law, and in the meantime there would be no place for our time honored and well worn phrase, "Your Memorialists, the Legislative Assembly of the Territory of Dakota." "Requiescat in pace," was inscribed on this final one, and it should have been filed in the archives where it could repose undisturbed.

The Woman's Suffrage bill was lost in the House on February 8th, by a vote of twenty-six to twenty-two. Those voting for the bill were Messrs. Bennett, Burnham, Cooke, Douglas, Elliott, Greene, Lampman, Logan, Lillibridge, Malory, McNiell, Miller, Palmer, Partridge, Potter, Powell, Price, Royer, Ryan, Sheets, Van Etten, Wellman—22.

Those voting in the negative were, Messrs. Adams, Aiken, Allen, Baldwin, Bergman, Bixter, Clark, Fletcher, Gronna, Howell, Hunter, Jones, McHugh, Morris, Newman, Parkin, Patten, Ramsdell, Smith, Swanson, Trude, Turnbull, Upham, Wellcome, White, Crawford—26.

February 8th, Councilman Sheets introduced a bill to prohibit the sale of intoxicating liquor within three miles of a college.

The governor vetoed a bill that repealed the law requiring a fee of \$5 paid to the governor for each notary public appointment he made. The House passed the bill over the veto by a unanimous vote save one, the democratic member. In the discussion over the passage over the veto it was shown that the governor had received \$3,018 from this source in addition to his salary from the Government. The Council also passed the bill over the veto.

February 21st the members of the Legislature accepted an invitation from the Legislature of Montana in session at Helena to pay them a visit, which was summarily accepted and a car full of law makers with a delegation of Bismarck citizens responded and were absent nearly a week. The Dakotans and Montanans joined in celebrating the emancipation of their people from the territorial condition, and a pleasant occasion was the result.

President Cleveland signed the Enabling Act February 22d at 11 o'clock A. M., and the intelligence reached Bismarck before their local clocks had struck that hour.

The North Dakota Convention bill was passed and approved.

After the passage of the enabling acts by Congress, legislation at Bismarck grew irksome, and there was a disposition to "quit work," and leave all but the necessary appropriation bills for the new State Legislatures. The Soldiers'



Home bill was passed and was vetoed by the governor mainly as he claimed because the appropriation was insufficient for the purpose. The bill, however, was passed over the veto in the House by a vote of thirty-three to ten, and in the Council by fourteen to three. The home was located at Hot Springs or Mmickah-tah. An effort had been made during the pendency of the bill to secure the institution for Pierre, and Representative Coe L. Crawford, of Hughes County, who was then entering upon quite a successful professional and political career, introduced a bill for that purpose. Pierre claimed to have an abundance of warm medicinal waters impregnated with gas that had the reputation of being a healing beverage, and wonderfully efficacious in restoring health to those invalids who had bathed in it sufficiently long to give it a fair trial. But it lacked the mountain climate, it was a candidate for capital honors, while the Black Hills section had as yet received slight attention in the way of institution favors.

There was now a strong sentiment in the Legislature in favor of resenting the governor's vetoes by combining to override them by a two-thirds vote, and the feeling also extended to antagonizing the premature appointments he proposed making, which feeling foreboded a disturbance of the harmonious relations which should exist between the executive and legislative departments during the remainder of the session to insure wise and impartial legislation. It was the confident belief of the members at this time, and which belief must have been shared by Governor Church, that Arthur C. Mellette, of Watertown, would be appointed governor of Dakota Territory, and that the appointment would be made as one of the first acts of the new administration which would come into power March 4th, hence it was held that Governor Church should not exercise the appointing power, but should leave his successor free to select his associates in the various positions provided for by the territorial laws.

On the 1st of February, a resolution inviting Mr. Loucks to address the House was introduced by Representative Morris, of Hutchinson County, and was defeated by a tie vote, a number of Farmer Alliance members voting against it on the ground that it would meet with disfavor by many, and could not be of any material assistance to the farmer measures before the Legislature which were already assured of a majority support. The Executive Department needed the physician possibly. A telegraphic message was received from Washington February 1st, presumably from the delegate, asking the South Dakota members of the Legislature whether they desired that the location of the temporary capital of the proposed state should be submitted to a vote of the people with the Sioux Falls Constitution. This led to a caucus of the parties interested at the close of the day's session, which passed a resolution, by a vote of twenty-five to eleven, to this effect:

Resolved, That we do not favor re-submitting the capital question.

The temporary capital of the proposed new State of South Dakota was then presumed to be at Huron, though no vote of the people had been had to designate it, and no law could have been passed locating it, but Huron had been designated in the Sioux Falls Constitution of 1885, and it was probable that it would be recognized as the temporary seat of Government under the omnibus bill then pending in Congress. The vote in the legislative caucus did not indicate a preference for any point for the temporary capital, but expressed the sentiment of a majority of the members that it would be much better to have the question of its location submitted at a special election, when it would not influence the sentiment on other questions. There were then seven or eight cities in South Dakota in the list of capital candidates.

A resolution was introduced in the House requesting the territorial auditor to make a statement of all expenses of past legislatures in excess of the amount the Government had allowed, and which had been paid by the territory. The purpose of the resolution was to memorialize Congress for an appropriation in favor of the territory to cover the amount so expended.



About February 1st, and for some days thereafter appeared to be a critical period for Dakota matters before Congress, and telegrams asking for advice from the legislative members and from the public officials and business associations of the cities were daily received in Dakota, asking for advice and opinions regarding amendments to the Springer omnibus bill. It seemed to be generally recognized by the Dakota delegations in Washington as well as by the people at home that the Springer bill, with all its objectionable features held the germ of a successful law that might be so modified that it could be enacted at the existing session, and thus hasten statehood for the two Dakotas, hence the wires were used by the people at home to suggest amendments, and by the representatives at Washington asking for direction and instructions. The peculiar situation in Congress together with the change soon to take place in the administration of national affairs, gave assurance that the Springer bill could be "whipped into shape" so that it would meet the approval of the people of Dakota, and it was the only measure that could be passed during the remaining days of the short session. Hence there was a general approval of all efforts to promote the passage of that bill with its objectionable features eliminated, and these could be left largely to the discretion of the Senate which was apparently in full sympathy with the home sentiment.

This was the situation at the time the Legislature was considering its memorial to Congress relative to the measure of Mr. Springer. The memorial had been delayed owing to a sentiment that unless certain apparently dictatorial sentences were modified it might work more injury than benefit.

The act of Congress authorizing the formation of the two states of North and South Dakota passed February 22, 1889, but the legislative session of the territory continued the full sixty days allowed by law, and proved an important session. There was much diversity of opinion between the governor and the legislative body which led to frequent exercises of the veto power. The Soldiers' Home Bill was vetoed on the ground that there was no pressing necessity for it, and the territorial treasury had been emptied, but the veto was overruled. The governor also vetoed the General Appropriation Bill, alleging that it contained extravagant appropriations. The measure, however, was promptly passed over the veto. The governor also submitted a full list of nominations for the subordinate territorial offices, numbering in the neighborhood of seventy. These the Council refused to consider, explaining that there would be a change in the governorship after the inauguration of President Harrison, March 4th, and the new appointee should be permitted to name the subordinate officers. It was one hour past midnight, on the morning of Saturday, March 9, 1889—the sixty days granted to the Legislature having expired—when the speaker of the House and president of the Council declared the final adjournment of the last of the territorial legislatures.

#### COLONEL LOUNSBERRY'S VIEW

Col. C. A. Lounsberry, of Bismarck, a journalist and an active and influential North Dakotan, who had favored division and two states from the beginning, made a public statement at this time regarding the influence and interference of railway corporations on the question of division, and also in vindication of the course of the northern people in their relation to this and other questions, which contradicted some popular opinions. He was then at Bismarck and wrote as follows:

There is a great deal of anxiety here among the members of the Legislature and the citizens, as to the possible fate of the Springer bill. Amendments are, of course, desired, but some of them want the bill passed even without amendments. The memorial passed in the House was amended in the Council, and this idea was plainly expressed, but lest it might embarrass or at least annoy some of our friends in Washington, and perhaps be used against securing necessary amendments, the memorial was reconsidered, and this provision was stricken out. As it stands, however, it is a clear cut expression in favor of the Springer bill.

When the Associated Press reported that Dakota people in Washington sought to defeat the bill by going before the committee and alleging that the influence of the railroad companies would be used to defeat division if the admission of South Dakota was made contingent upon the result of a vote in the north, there was no little indignation. It is not true that the railroad companies have ever sought to influence the people upon this subject. As to the Northern Pacific, the officers of the company in Dakota, at St. Paul and in New York, have always refrained from taking any part in the agitation of this question, though all are in favor of division, nor has the Manitoba Company sought to influence the people in any way, though they, too, are known to favor division.

The people of the north pay fully one-half the territorial taxes, but they have never received one-half of the advantage resulting from that taxation. The public institutions, for instance, cost the territory, for expenses and interest, over six hundred thousand dollars per annum. Of these institutions, eight are located in South Dakota and three in North Dakota, and yet the north is required to pay about one-half of the expenses of all. The luxury is an expensive one, and the people of the north have become tired of it. They have also become exceedingly tired of being always forced into combinations with one faction or the other in South Dakota, in order to maintain any standing in legislation, in conventions or elsewhere, when they come in contact with South Dakota. Until the present session they have been compelled to do these things in order to get anything even approaching justice in the Legislature.

If there were any doubt about what was to the interest of the north among the representatives from this section, those doubts were removed from the minds of all who attended the Watertown convention. If any further arguments are needed to convince them as to where their interests lie, it is only necessary to examine the reports of the auditor and see who pays the taxes and what is done with the money.

It is true the north voted against division three years ago, but it is also true that it was proposed to rob the north of its interest in the name of Dakota, and that the democratic party seemed to offer early statehood while division appeared to be a thing impossible. But the railroads had nothing to do with that result. They were in no wise responsible for it. It was the loss of the name more than anything else that brought about the result.

Up to that time and since then the north has been persistent and consistent in its support of the division movement, and not a man in the north who has favored division from the start and under all circumstances, doubts as to what the result will be if the question is again submitted to a vote of the people.

When Dakota men in Washington appear before Congress and urge that there is opposition to division in Dakota, they place arguments in the hands of our enemies which will be used to delay if not to defeat division. Dakota men in Washington have before now defeated themselves by their excessive zeal. They defeated division when Pettigrew was in Congress, and no man contributed to that result more than Judge Moody, although not intending to do so.

The trouble with the judge is that he is not content with being an equal with others and work shoulder to shoulder with them. He must be in the advance. He must be the recognized leader. His opinion must be adopted. His strength, his power must be acknowledged. He is unyielding, unyielding, and unwilling to accomplish the same results by means other than his own.

#### DAKOTA IN CONGRESS

The proceedings of Congress during the short session of 1888-89 reveal that its most prominent legislative features were connected with the Territory of Dakota, and a large portion of its time consumed in deliberating over Dakota measures. The framing of laws for the admission of the Dakotas as states were apparently regarded as of the first importance and entitled to the right-of-way. The democrats, in view of the impending change in the administration, desired to enact something definite that would leave the republicans no pretext for calling an extra session, and at the same time give their own party a prestige for the admission of new states.

The Sioux treaty had been hanging in Congress for about eight years, and no progress had been made under Mr. Cleveland's administration owing to the failure of the last commission. The time had come when the Government must propose a bargain that the Indians would accept, or enact a law opening a portion of the reserve, without further consultation with the Indians, and allow them such compensation and aid as justice required. There was much attention given to this matter.

No attempt was made to secure a territorial form of government for North Dakota, it being well understood that that half of Dakota was prepared to accept

statehood, and its people were then demanding it. Should the exigencies of legislation place them in the territorial class with South Dakota a state, it was plain that it could continue no longer than would be necessary to prepare for statehood.

The political complexion of the new House of Representatives that would come in with Harrison was in doubt for some time after election. It was apparent that the democrats had lost heavily, but in many districts the result was painfully close. Both sides claimed the House; the official canvass would be necessary to decide it, and even then there were a number of cases where a contest before the House seemed probable. Dakotans were intensely interested in this phase of the election returns. The new House would be in control with the inauguration of President Harrison, March 4, 1889, but unless an extra session was called would not meet until December, 1889. The early returns relied upon as authentic, gave the republicans 166 members and the democrats 159. The new Congress would be the fifty-first.

#### MELLETTTE FOR GOVERNOR TO SUCCEED CHURCH

It would probably be many months and possibly a year before the Dakotas would be admitted as states, and in the meantime the territory would require a governor and secretary. Governor Church had become exceedingly unpopular with all parties. A resolution had been introduced in the Legislature by Dr. D. F. Royer, of Jerauld County, demanding his removal on personal and official grounds, which had been referred to a committee. As the session was near its close there was small expectation that it would be adopted, but there appeared to be no organized sentiment opposed to it.

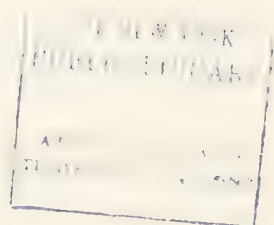
As inauguration day, March 4th, drew near there was a large delegation of Dakotans called to Washington to witness and participate in the inauguration of Harrison and Morton. These, with the number who had been on the ground lobbying for the Dakota measures, made up quite a respectable colony of Dakotans in numbers, and included all of the men of prominence that could get away. Among the new and old members of the colony was Judge A. J. Edgerton, of Mitchell; Hon. A. C. Mellette, of Watertown; M. Hansbrough, of Devil's Lake; John R. Gamble, of Yankton; T. F. Singiser, Esq., of Mitchell; Hon. Judson LaMoure, of Pembina; Hon. R. F. Pettigrew, Judge Moody, of Lawrence County, and the delegates, Gifford and Matthews. It had been agreed among these Dakotans and others to ask President Harrison to appoint a new governor for Dakota at the earliest day practicable. The governor of the territory had important duties to perform in connection with forming the new state governments. He would order the delegate elections by proclamation and make the apportionment of delegates. He would be called upon to issue proclamations giving effect to the vote on the constitutions, and he would be required to certify the result to the President, before the latter could proclaim the new states admitted. The Dakota people were not satisfied to entrust these duties to an executive who had opposed every step of the progress toward statehood thus far made, and earnestly desired a new man and one of their own people. Hon. A. C. Mellette, who had been elected governor in 1885 when the Sioux Falls Constitution was adopted, a citizen of the territory, was naturally and spontaneously suggested by the Dakota people as a suitable person for the important position, and though there were a few who desired General Allen, of Fargo, or former Governor Pierce, the Mellette sentiment prevailed. Mr. Mellette was then about fifty years of age, and was considered a fairly able man, but he had one advantage not possessed by many in Dakota; he had been a personal friend of General Harrison for the past twenty years, supporting him in his newspaper and upon the stump in the memorable campaign of 1876, when Harrison was a candidate for governor of Indiana. Mellette was a native Hoosier. He was an original Harrison man before the nomination, and during the campaign can-



ARTHUR C. MELLETTE

Tenth governor of Dakota Territory,  
March to November, 1889





vassed Dakota for speakers to send to the states and money to pay their expenses. It therefore came about that the President, fully realizing the importance of the reasons assigned for a change in the Dakota governorship, acted in the matter within about a week after his inauguration, and appointed Mr. Mellette governor of Dakota Territory. Mr. L. B. Richardson, of Grand Forks, was appointed secretary at the same time, Mr. McCormack having tendered his resignation.

The termination of the Church administration and the beginning of the Mellette, which was to be the closing administration in Dakota Territory took place on Friday, March 22d. Mellette became governor at precisely 2:48 o'clock. P. M. Church threw his spring overcoat over his arm and left the capitol building with a pleasant salute to the republicans present. Associate Justice Rose administered the oath of office. Governor Church was first after Judge Rose to congratulate the new governor. Secretary McCormack was next in extending congratulations. McCormack was still secretary, his successor, L. B. Richardson, of Grand Forks, was not due to arrive before the 1st of April. Territorial Auditor Ward, Treasurer Lawler and Immigration Commissioner McClure tendered their resignations immediately after the oath of office was taken—the resignations were in writing. The first private interview, which soon followed, took place with Hon. E. C. Smith, of Yankton. There were no office seekers present. In the evening a public reception was tendered the new executive at the residence of ex Governor Church, where a large number called and paid their respects. The governor assured the people that he intended to be governor of all Dakota and treat all sections fairly. The early impressions of the new official at Bismarck were quite favorable.

The resignations of the auditor and other officials were immediately accepted. J. M. Bailey, of Sioux Falls, was appointed territorial treasurer, he was president of the Minnehaha National Bank. The governor took personal possession of the auditor's office, and placed it in charge of a clerk. On the 28th of March, J. C. McManima, of Pierre, was appointed territorial auditor, and F. H. Haggerty, of Aberdeen, commissioner of immigration.

When Hon. Arthur C. Mellette was appointed governor of Dakota Territory in March, 1880, by President Harrison, a Washington newspaper gave the following brief sketch of his public career and his general qualifications:

A. C. Mellette is an Indianian by birth and moved to Dakota some years ago. He is in the prime of life, a man of vigorous mind, of stalwart physical proportions, and of the highest principles and most exalted integrity. He served his country during the War of the Rebellion faithfully and well. After the war he located at Muncie, Ind., and entered into law partnership with Gen. Thos. J. Brady, the firm taking at once a leading position. Mr. Mellette was chosen prosecuting attorney for his judicial circuit, a position he filled with the greatest credit.

He was chosen a representative in the State Legislature and there displayed high and sound qualities of statesmanship, leaving as an enduring monument to his name, as a legislator, the present public school system of the state, one of the most perfect public school systems known, and the model after which the systems of several western states are patterned.

In conjunction with Mr. Brady Mr. Mellette entered into the newspaper business as joint owner and editor of the Muncie Times, the republican organ of Delaware County, and one of the leading weekly papers of the state, becoming after a time sole owner of the paper. He established in connection therewith a large paper house and did for several years an extensive business extending through Indiana and extending into Western Ohio and Eastern Illinois. In conducting this enterprise with his usual energy and ability, he especially excelled as a traveling salesman.

Finally, in 1878, he was appointed register of the land office at Springfield, Dak., afterward removed to Watertown, his present home. Mr. Mellette went to Dakota to make that territory his home, being primarily influenced thereto by considerations for the health of his family. That being secured, he cast his lot, for weal or woe, with the enterprising people who were building up a future empire state in the Sioux wilderness.

He at once assumed, as he had done in his old home, a prominent place in the counsel of the people. His ability and integrity, his legal training and business habits, his legislative experience and political acumen, all combined to give the people of Dakota confidence in him. He is a man of the people. Unaffected in manner, direct in speech, and plain in dress. He is a fine public speaker, earnest, honest and logical. He is a vigorous and perspicuous

writer. He is a man of intellectual and moral as well as physical courage. His sense of honor is high and his personal character without stain. His honesty is proverbial among all who know him. He is a man of whom no bond may be exacted to compel him to keep his word or do the square thing. He is without greed as he is without guile. He is one of the few men we have ever known whom we believe to be beyond or rather above temptation. We do not believe that this earth holds a prize great enough to tempt him for an instant to even think of doing a mean, dishonorable or dishonest act. Just, generous, kind, courageous, honest and honorable, it may truly be said of him that he is without fear and without reproach.

The proceedings of the conventions and elections of 1889, which appear to have occupied the time quite fully, appear in chapters on Statehood.

#### CENTENNIAL OF THE UNITED STATES

On Monday, the 29th day of April, 1879, George Washington arrived in New York City from his home at Mount Vernon, where on the day following he took the oath of office as the first President of the United States Republic. On Tuesday the oath was administered by Chancellor Robert Livingston, on the steps of Federal Hall, Washington reverently repeating the oath as the chancellor pronounced it. The bible was raised and as the President bowed to salute it with a kiss, as a token of sincerity, he said in a clear voice, "I swear," then closing his eyes, added, "so help me, God."

These proceedings and vastly more were duplicated during a three days' celebration in and about New York, on sea and land, President Harrison representing Washington. There was moreover a general observance of the important event throughout the Union, including the principal towns in both North and South Dakota. Occurring the same year that the Dakotas were admitted as states entitles the two sisters to the title of centennial states. The ceremonies here and elsewhere were largely of a religious character and participated in by all religious denominations.

As a type of the exercises employed in the Dakota celebrations, Yankton has been selected, the citizens observing it as a holiday. From the account handed down by the local scribe we are informed that

The first centennial of the inauguration of George Washington as President of the United States has been celebrated all over the Republic today (April, 30th), and Yankton has taken its share in the glories of the occasion. Decorations have been numerous and tasteful and appropriate, and the city was in patriotic attire early in the forenoon. The morning exercises in commemoration of the day were at the Congregational Church, the Catholic Church, and the Episcopal or Christ Church, and these sanctuaries were filled by interested audiences.

At the Congregational Church there were union services, the Methodists and Congregationalists uniting. Rev. F. A. Burdick made some appropriate remarks at the opening, and Reverend Doctor Ward delivered the address of the day.

At Christ Church, Rev. W. H. Wyatt-Hannath conducted services and delivered a sermon.

At the Catholic Church mass was held, the *te deum* rendered, and the prayer prepared by Archbishop Corrigan, given. Father Redmond made an appropriate and interesting address.

At the Lutheran Trinity Church commemorative services were held at 9.30 A. M., conducted by Reverend Mr. Welo.

The out-door exercises were begun at 2 P. M., when the marching column fell in on Broadway and after dress parade, marched over the selected route. At the head of the procession was a fife and drum band typical of the Revolutionary period, and following the various military and civil organizations came George Washington, seated on a white horse, represented by E. A. Gray, who was clad in the fashion of attire of the time when Washington lived. The remainder of the procession was thus composed:

Company E, Dakota National Guard; firemen; Grand Army of the Republic; Turners; Modern Woodmen; citizens, college students, school children.

A noticeable feature of the procession was a boys' hook and ladder company drawing a miniature truck. The line of march was from Broadway east on Third Street to Mulberry, north on Mulberry to Fifth, west on Fifth to Broadway, south on Broadway to Third Street, east on Third to Walnut, thence to Turner Hall, where the parade disbanded.

Turner Hall was then occupied by a closely seated audience with many standing, to listen to the formal program prepared for the occasion. E. A. Gray arrayed in the Wash-

ington costume, personated the first President, and read his inaugural address. Appropriate addresses followed from Professor Swain, Hon. L. B. French, Hon. Geo. H. Hand, and Judge V. V. Barnes.

## COUNTY INDEBTEDNESS

The summary of the county indebtedness of Dakota counties at the close of 1888, as returned to the territorial statistician, shows the total bonded indebtedness have been \$2,648,005, and the amount of warrants outstanding \$759,749, or a total indebtedness of \$3,408,654. By counties:

Aurora	\$ 35,400	Wadsworth	9,442
Beadle	67,940	Wells	8,000
Billings	1,151	Barnes	81,331
Bottineau	10,445	Benson	23,749
Brown	1,500	Ben Thorne	27,500
Buffalo	7,004	Brookings	8,057
Campbell	14,555	Burke	17,029
Cass	210,000	Burleigh	129,600
Charles Mix	127,000	Butte	22,433
Clay	5,500	Cavalier	1,600
Custer	75,708	Clark	22,526
Day	15,075	Codington	17,122
Douglas	14,003	Davison	70,805
Edmunds	17,200	Deuel	11,500
Fall River	14,149	Eddy	5,739
Foster	18,000	Emmons	32,265
Grant	107,550	Faulk	22,736
Hamlin	52	Grand Forks	42,150
Hanson	20,000	Griggs	73,889
Hutchinson (and \$18,000 in the treasury)	3,789	Hand	10,811
Hyde	40,540	Hughes	59,100
Kingsbury	13,000	Jerauld	100,000
LaMoure	8,507	Lake	33,373
Lincoln	400	Lawrence	633,358
McCook	20,000	Laudan	12,895
McIntosh	5,794	McHenry	7,901
McPherson	9,495	McLean	23,871
Mercer	17,134	Marshall	9,451
Minnehaha	12,000	Miner	15,036
Morton	65,000	Moody	43,500
Oliver	33,370	Nelson	31,200
Potter	20,629	Pennington	133,497
Richland	33,952	Ramsey	58,000
Rolette	20,966	Roberts	23,231
Spink (with \$11,536 in the treasury)	11,684	Sargent	29,300
Stark	15,000	Steele	22,811
Stutsman	75,709	Sully	12,000
Towner	26,415	Traill (with \$22,069 in treasury)	105
Turner	22,000	Union	31,150
Walsh (and \$24,200 in treasury)	25,000	Ward (and \$2,646 in treasury)	..
		Yankton	334,618

Yankton County's railway debt, incurred in behalf of the territory's vital need at the time, gave it the post of honor in the foregoing list.

## CORN IN NORTHERN DAKOTA

It had long been a disputed question whether the growing of corn could be successfully prosecuted by the farmers of Northern Dakota. Experiments had been tried by skillful farmers acquainted with the cultivation of that cereal, but they had not demonstrated that corn could be relied upon owing to the liability of late spring and early frosts in the fall. The soil was found to be unobjectionable, but the climatic obstacles stood in the way of producing marketable grain of that variety. There were, however, some who hesitated to give up trying, and had concluded that one serious mistake they had made was in using for seed corn grown in latitudes south of their own corn belt, and for the pur-



pose of testing this feature of the problem, Mr. Elijah Boley, who came in from Iowa and settled west of the Missouri in the northern part of the territory had been conducting experiments with the Arickaree Indian corn for seed. Other farmers were also engaged in growing the same variety, but Mr. Boley's experiments had been made with intelligent method, and the results were quite gratifying and encouraging. It was found that the Indians had made a practice of eating the best corn and using the poorest for seed. Mr. Boley reversed this process and carefully selected the best for seed. From short ears with four and six rows on each ear he has got some so much improved that he now raises ears with twelve rows of corn, and being something of a horseman Mr. Boley states it thus: "I started improving in 1880, and there is as much difference in the corn I began with and that I produce now, as between Maud S. and an Indian broncho." He claims that there are far more nutritive properties in the Ree corn than in any other kind, and he attributes this to the superior quality of Northern Dakota soil, which had already earned for that section of the territory such world wide fame for its wheat and potatoes. He claims that the Ree corn matures rapidly, and because of its hardy nature it is not liable to fail if it is planted early enough.

#### NORTHERN DAKOTA WHEAT THE BEST

In the fall of 1889, Mr. H. D. Porteous, a wheat and flour merchant of Liverpool, England, visited Dakota for the purpose of examining North Dakota wheat for the purpose of comparison with other grades of wheat that were seeking the English market. In explaining the object of his mission to this country Mr. Porteous said:

I have long entertained the idea that North Dakota wheat was the best grown in the world. We handle, in England, wheat from all parts of the globe—Russia, India and America, and American flour is extensively sold in our market, but we know of no grade of wheat or flour that is specifically designated as "North Dakota," and furthermore, I find that the so-called North Dakota wheat is not North Dakota wheat, but a lower grade of wheat which contains a percentage of North Dakota wheat. In short, your best North Dakota wheat is sold to the millers, who use it to mix with other grades for the purpose of grading up these grades to a point where they are readily salable, and the flour made is sold to a much better advantage than it could be were it not for the North Dakota wheat mixed in. Flour made from the pure North Dakota wheat never reaches our market. And my mission here is to aid the North Dakota millers in effecting a sale for pure North Dakota flour. I find that it is a much higher grade of flour than that made anywhere in the United States, and it will bring a higher price in our market than any other flour, and while we desire to handle this flour unadulterated by eastern millers, we feel that it is only fair that North Dakota should receive her due credit, which she never has received in the past.

#### CEMENT PLANT AT YANKTON

The Western Portland cement plant, one of the notable industries of the Northwest, was established at Yankton, Dakota, in 1880. Mr. John F. Summers, the practical head of the industry, spent a number of months in the early part of the year, making practical tests of the cement material in the Missouri bluffs, from below St. Helena to some distance above Yankton, finally deciding upon the locality where the extensive factory was built.

There had been considerable interest manifested in the chalk rock ledges, inexhaustible in extent, and there were some indications that the material was being examined with care, but at the time presumed to be in the interest of a railway corporation. Reports were rife that Omaha was on the eve of building a railroad to Yankton, and Robert Yates, a very competent civil engineer and surveyor, had been engaged in making extensive investigations and land purchases in the vicinity of St. Helena, which was taken to mean that the Omaha road had decided to cross the Missouri River at that point. A little later it was learned that Mr. Yates had been acting for an English company, that he had



JUST BEFORE WOUNDED KNEE BATTLE



SOLDIERS HOME, HOT SPRINGS

London, by West End to Hot Springs, 1887



found an abundance of material for the making of cement near St. Helena, and had acquired for the foreign company a large tract of Nebraska land. The next step was the establishment of a factory for the manufacture of cement, which at that day was being used in great quantities, the major portion of which and probably all of the best quality, was imported and bore the name of Portland Cement. Yankton offered inducements, due to its location and railway facilities, that St. Helena did not at the time possess, and hence was fixed upon as the locality for the factory, the intention being to ship the raw material up to the factory by steamboats. About this time Mr. John F. Summers appears in the field, having been sent over from England, as an expert, to test the quality of the chalk cliffs nearer Yankton. A series of elaborate experiments were made by Mr. Summers, and the fact that he came from a cement manufactory in England that employed a working force of 700, and had been selected as the one most competent for this important mission, his final decision that equal if not superior beds and ledges of the raw material, could be had in inexhaustible quantities close to Yankton, induced the company to make a change of base for procuring their supply and to hold the St. Helena ground in reserve.

Cement is a combination of clay and chalk, burned and ground together and mixed in proper proportions. These produced a hydraulic cement which, mixed with water, hardens into a smooth stone similar to the stone quarried at Portland, England, and from this similarity it takes the name of Portland cement. The peculiar clay which is a part of its composition and the most important when it is considered that half a continent may be examined without revealing it, was discovered in quantity about five miles west of Yankton in the Missouri highlands. It was taken out originally only in the valley of the Midway River, in England.

Messrs. Plankinton & Yates, a Milwaukee firm, who had large interests in the Milwaukee Railroad and in the packing industry at Milwaukee, arranged for the erection of extensive cement manufacturing works near Yankton, which were connected with the several lines of railroad entering in the city by a four mile spur, which the city paid for. The plant was one of the most complete in the United States and was operated for fifteen years, its product, called the Western Portland, winning its way on its merits to the confidence of consumers in at least the western half of the United States. Mr. Joseph Wilde and Mr. John Summers were in charge of the operation of the plant, and it employed an average of eighty men. It is presumed to have passed into the control of a trust which ordered it closed. Cement factories had been increasing in number in the states and also in the western portion of the Canadian Dominion, resulting in an oversupply and a consequent depression of prices which yielded no profit to the large producers.

#### THE NEW YORK TRIBUNE FIGURES

The Territory of Dakota, north and south, was visited by a number of special writers of excellent ability and experience, representing the leading journals of the United States, during 1880. These gentlemen as a rule paid less attention to the existing political conditions than to those which displayed the material resources of the land, the industries and characteristics of the various nationalities that made up its population, and the progress that had been made in settlement and development. This was important as showing the widespread interest felt at that period in the proposed new states of the northwest, and it must be conceded that the Dakotas had enlisted a large share of this popular quest for information. These correspondents were intelligently diligent in supplying it. The New York Tribune, a national newspaper, ascertained that the territory, in round numbers, possessed 250,000 horses, 250,000 milch cows, 800,000 cattle, 230,000 sheep, and 600,000 hogs. They were worth \$50,000,000, and he claimed that their increase amounted to 10 per cent annually. The growing harvest he estimated at 35,000,000 bushels of corn, 70,000,000 bushels of wheat, 5,000,000 bushels of flax, 10,-



000,000 bushels of barley, 50,000,000 bushels of oats, and 5,000,000 bushels of potatoes. He further stated that of the domain stretching from a central point, 200 miles north, east, south and west of the 96,000,000 acres that constituted the territory, barely 7,000,000—less than one-thirteenth—had felt the touch of the harrow. This particular writer was quite well known in the territory, traveling over it not by rail only but on horseback and afoot. He was personally familiar with every general portion of it except the Black Hills, and he was quite desirous of making a visit there, and may have done so.

Crops of all kinds were super-excellent in the Black Hills in 1889. Wheat, oats, potatoes, and even corn, returned a bountiful harvest. In eastern Dakota there were many localities where the staple grains suffered from drouth, hail and unusually heavy winds.

## CHAPTER CIII

### MANY TERRITORIAL SOCIETIES MEET AND DIVIDE

1889

WOMAN'S CHRISTIAN TEMPERANCE UNION—DAKOTA SUNDAY SCHOOL ASSOCIATION—S. S. CONVENTION—ANCIENT ORDER OF UNITED WORKMEN—MASONIC LODGE—INDEPENDENT ORDER OF ODD FELLOWS—BLACK HILLS OLD SETTLERS—RETAIL LIQUOR DEALERS' ASSOCIATION—FIREMEN'S ASSOCIATION—MANITOBA RAILROAD MEETING AT SIOUX FALLS—THE YANKTON EXTENSION—COUNTY STATISTICS: WHEN ORGANIZED, SQUARE MILES—PARTIAL CROP FAILURE—ORGANIZATION OF THE STATE OF SOUTH DAKOTA—APPOINTMENTS—ALTITUDES.

#### WOMAN'S CHRISTIAN TEMPERANCE UNION

Nearly everybody appeared to have something to do in order to get ready for statehood. The making of constitutions for the two states, the holding of elections, was only a delightful part of it, for there were a score or so of associations, societies and lodges, and unions that had grown up as territorial affairs that demanded to be divided into a north and south half and then made over again to fit their new and diminished dimensions. The women of the territory came in for a share of this dividing-up work when the popular and populous and universally respected Woman's Christian Temperance Union gathered for the last meeting of the weather-beaten but still hale and vigorous association of "D. T.," gathered for its farewell session. It was an occasion for tears and words of affection and regret as well as tears of joy because of the more ample opportunities that would offer for the commendable work of the association which had grown to be highly prized and affectionately regarded in every commonwealth of the republic, and was not enjoying much of the fruition of its humanitarian labor.

The eighth annual session of the association assembled at the Congregational Church edifice in Yankton, the elder city of the territory, on Thursday, September 12, 1889, and at 9:15 o'clock a. m., was called to order by the president, Mrs. H. M. Barker, of Fargo.

The auditorium of the church was decorated with national flags, banners of different unions, flowers and plants, a portrait of Miss Frances Willard adorned the front of the organ back of the president's desk.

On either side of the organ the date of the first organization of the association, 1874, and the date 1889, were displayed. On the wall of the right wing the word "Welcome," on the wall of the west wing the motto of the association, "For God and Home and Native Land."

Devotional exercises were led by Mrs. O. J. Ward, of Parker, consisting of singing, reading of the Scriptures and prayer. Mrs. Barker, the president, then made a brief speech appropriate to the occasion and declared the convention ready for business.

The roll of officers and superintendents was called, when the president announced the regular committees, as follows:

Credentials—Mrs. Bill of Jamestown, Mrs. O. M. Leader of Black Hills, Mrs. O. J. Ward of Parker, and Mrs. Burton of Miller.

Resolutions—Mrs. R. B. Hager of Madison, Mrs. Goff of Bismarck, Mrs. J. A. Pickler of Faulkton, Mrs. F. B. Swift of Yankton, and Mrs. French of Chamberlain.

Courtesies—Mrs. Selleck of Aberdeen and Mrs. Walker of Huron.

Finance—Mrs. M. E. Cline of Mitchell, Mrs. Irene Adams of Webster, Mrs. Caswell of Grand Forks, Mrs. Spears of Wessington Springs.

The report of the several meetings of the Executive Committee was read by Mrs. Meyers, the recording secretary, and adopted.

The report of the corresponding secretary was read by Miss Addie Kinnear, which showed the total number of organizations in the territory to be 300, with a total membership of 3,094. The number of new organizations within the year was 151. There were eighty-five organized counties in the territory. The report was received by a unanimous rising vote.

The report of the treasurer was read by Mrs. M. E. Kline, which showed the total amount received for dues to be \$828.24; pledges, \$654.28; minutes sold, \$52.50; Miss Willard's birthday fund, \$25; for temperance temple, \$100; for advertisements in minutes, \$39; day of prayer, \$19.53; miscellaneous, \$219.16. Total receipts, \$2,168.26. Total disbursements, \$2,052.13. Balance on hand, \$116.13.

The report was received by a rising vote of thanks and referred to an auditing committee consisting of Mrs. A. F. Bartlett of Yankton and Mrs. Williams of Miller.

The banner Union of North Dakota for money raised was Grand Forks, \$57.25; the second, Larimore, \$36.87.

The banner Union of South Dakota was Yankton, \$71.88; the second was Mitchell, \$33.

The reports of the following county unions were received, time limited to five minutes each: Douglas County, by Mrs. Pease of Grand View; Clay County, by Mrs. Stanley, Vermillion; Brookings County, by Mrs. Will, Brookings; Codrington County, Mrs. Geo. Williams, Watertown; Beadle County, Mrs. Walton, Huron; Lake County, Mrs. Hubbell, Madison; Lincoln County, Mrs. Keefe, Canton; Jerauld County, Mrs. Miles, Wessington Springs; Brown County, Mrs. Selleck, Aberdeen; Day County, Mrs. Irene Adams, Webster; Yankton County, Mrs. J. King, Yankton; Minnehaha County, Mrs. Riley, Valley Springs; Hyde County, Mrs. Parker, Highmore; Hand County, Mrs. Williams, Miller; Dickey County, Mrs. Boyle, Ellendale; Cass County, Mrs. Baskerville, Tower City; Marshall County, Mrs. Beach, Britton; Hutchinson County, Miss Emma Swartz, Olivet; Grand Forks County, Mrs. Caswell, Grand Forks; Hyde County, Mrs. Parker, Highmore; Turner County, Mrs. Smith, Parker.

After miscellaneous business and announcements, the noon-tide hour of prayer was offered by Miss Emma Swartz, and the session adjourned singing, "Praise God from Whom All Blessings Flow."

The afternoon session was introduced by devotional exercises, led by Miss Emma Swartz, and the minutes of the morning session were read and approved.

The Credentials Committee reported the following persons entitled to seats in the convention: President, Mrs. H. M. Barker, Fargo; corresponding secretary, Miss Addie M. Kinnear, Fargo; recording secretary, Mrs. D. W. Meyers, Vermillion; treasurer, Mrs. M. E. Kline, Mitchell; executive committee, Mrs. F. A. VanVelsor, Yankton.

Superintendents: Mrs. E. H. Wilson, Bismarck, jail and prison work; Mrs. C. G. Clark, Yankton, flower mission; Mrs. Olive M. Leader, Whitewood, foreign; Mrs. O. J. Ward, Parker, heredity; Mrs. C. M. Spear, Wessington Springs, soldiers; Mrs. Nettie C. Hall, Wessington Springs, hygiene; Miss Clara A. Stephens, Mitchell, Union Signal; Mrs. J. M. King, Yankton.

Parlor meetings: Mrs. Alice Pickler, Faulkton, franchise; Miss Emma Swartz, Parkston, evangelistic; Mrs. Olive M. Leader, Whitewood, miners;

Mrs. R. B. Hager, Madison, Y. W. C. T. U.; Mrs. Minnie B. Horning, Miller, organizer.

Delegates: Aberdeen, Mrs. E. A. Cranmer, Mrs. F. F. Selleck, Mrs. C. J. Cressey; Amenias, Mrs. A. F. Johnson; Alpena, Mrs. Ella A. Milliken; Almont, Mrs. R. A. Pease; Athol, Mrs. W. W. Brown; Avenath, Miss Jennie Stover, "Y's"; Bloomingdale, Mrs. J. M. Clelland, Mrs. M. M. Graham; Broadland, Mrs. Ruth Hackett, Miss M. M. Graham; Brookings, Mrs. M. M. Will; Bremer, Mrs. A. Philips, Mrs. A. A. Rowen; Burbank, Miss Teresa Vinson; Carthage, Mrs. M. K. Patton, Mrs. E. J. White; Clark, Mrs. E. E. Walker, Mrs. O. P. Kline; Chamberlain, Mrs. Cora R. French, Miss Millie Findlay; Canton, Mrs. L. J. Fitzgerald, Mrs. E. A. Keep; Cass County, Mrs. G. S. Baskerville; Clay Point, Mrs. F. E. Bronson; Canton, "Y's," Miss Anna Bailey, Miss A. Hannah Schie; Dell Rapids, Mrs. Nellie Way; Day County, Mrs. Irene G. Adams; Davison County, Mrs. E. L. Rugg; Elk Point, "Y's," Miss Nettie Murphy, Miss Aggie Boyce; Ellendale, Mrs. J. A. Bouker, Mrs. J. H. Boyle; Estelline, Mrs. L. J. Abbott; Ellendale, "Y's," Miss Hayttie Consee; Faulkton, "Y's," Miss Lulu Pickler; Fairview, Miss A. Stephenson, Miss E. Keyes; Fargo Central, Mrs. M. E. Gilman; Fargo, "Y's," Mrs. J. Monson; Fairmont, Mrs. W. T. Williams; Flandreau, Miss S. E. Twitchell; Gayville, Miss Mina F. Faulk; Grand Forks, Mrs. S. R. Caswell; Huron, Mrs. Sarah Luckey, Mrs. Anna Wilcox; Henry, Mrs. C. Emma Cawthorne; Highmore, Mrs. Maria Parker; Highmore, "Y's," Miss Josie Gundy; Hitchcock, Mrs. E. A. Mouser; Hurley, Mrs. Fanny G. Kingsley, Mrs. James Stout; Jerauld County, Mrs. Jennie H. Miles; Jamestown, Mrs. R. A. Bill; Tyndall, Mrs. A. F. Huntley; Lisbon, Mrs. A. F. Norton, Mrs. A. S. Norton; Lyons, Mrs. H. L. Lyman; Madison, Mrs. J. A. Trow, Mrs. E. W. Dyre, Mrs. Hubble; Madison, "Y's," Miss Nora Scoggin, Mrs. Geo. D. Winter; Miller, Mrs. Mattie Burton, Miss Stella Green; Marion, Mrs. H. M. Tyler; Mickley, Miss Anna Hollingsworth, Mrs. M. Arthur; Marshall, Mrs. E. J. Beach; Mount Vernon, Mrs. J. E. Hanson; Mansfield, Mrs. J. E. Robinson; Mission Hill, Mrs. Stevens; Norway, Mrs. R. J. Mines, Mrs. E. J. Cotton; Olivet, Mrs. G. P. Harben, Mrs. W. B. White; Parker, Mrs. L. M. Cutter, Miss L. Chase, Miss Alice Penney; Pierre, Miss Lora Blair, Mrs. Eugene Steere; Palisades, Miss Hattie Beardsley, Mrs. Edith Heady; Parkston, Mrs. H. E. Whipple, Mrs. E. E. Blackly; Raymond, Mrs. J. E. Bennett; Rapid City, Miss Grace French; Redfield, Mrs. W. G. Barrows; Ree Heights, Mrs. G. E. Willett, Miss Allie Young, Miss Minnie Fuller; Ripon, Mrs. J. B. Meacham; St. Lawrence, Mrs. E. E. Dewey; Scotland, Mrs. L. W. Miller, Mrs. G. G. Lindley; Tower City, Mrs. G. S. Baskerville; Tyndall, Mrs. H. Thumber; Vermillion, Mrs. H. T. Cornes, Mrs. R. J. Stanley; Valley Springs, Miss Hortie Buzzell, Mrs. J. E. Riley, Mrs. Mary Banister; Valley City, Mrs. M. H. Sanderson, Mrs. Ida S. Fox; Wessington Springs, Mrs. E. A. Smith; Woonsocket, Mrs. C. H. Moore, Mrs. G. S. Nave; Watertown, Mrs. Eva Wilson, Mrs. M. A. Grossbeck, Mrs. A. D. Traveler; Webster, Mrs. Irene G. Adams; Yankton, Mrs. A. F. Bartlett; Armour, Mrs. E. A. Sidener, Mrs. Meyer, Mrs. R. A. Pease; Albion, Flora Eastman; Artesian, Mrs. J. W. Elliott; Bethel, Mrs. Laura Eldredge; Burbank, Mrs. Alma Maynard; Bismarck, Mrs. O. S. Goff; Beresford, Mrs. J. E. Bookee, Mrs. Anna Smith; Boulah, Mrs. G. W. Pine, Mrs. W. W. Gardner; City Point, Mrs. Clara Bronson; Elk Point, Mrs. H. Murphy; Ethan, Mrs. Louise A. Rugg; Huron, Mrs. Walton; Lennox, Mrs. Jennie Wait; Mitchell, Mrs. C. M. Keith; Mitchell, "Y's," Miss Mattie Foster; Miller, Mrs. L. T. Williams; Mabel, Mrs. Esmay; Mount Vernon, Mrs. A. L. Bell, Mrs. M. M. George; Meckling, Mrs. Margaret Arthur, Miss Anna Hollingsworth; Parker, Mrs. Z. E. Ward; Pierre, Mrs. Eugene Steere; Pierre, "Y's," Mrs. Lora Blair; Palisades, Mrs. Hattie M. Beardsley; Richland, Mrs. Carrie Kirk; Roscoe, Mrs. M. A. Huck; Plankinton, Mrs. George Maxwell, Mrs. L. A. Waters; Sandham, Mrs. Ward; St. Lawrence, Mrs. C. Shepherd, Mrs. L. L. Jager; Spink County, Mrs. Jennie L. Dennett; Vermillion, Mrs. G. E. Culver; Vermillion, "Y's," Misses Vernie Fauss and



Mamie Hanson; Valley City, Ida G. Fox; Yankton, Mrs. F. M. Swift; Columbia, Mrs. Z. M. Horseley; Claremont, Mrs. Geo. D. Ward; Chamberlain, "Y's," Miss Millie Findlay; Jamestown, Mrs. J. M. Graham, superintendent of temple work; Frankfort, Mrs. R. Packham, Mrs. M. N. Kanel; Brookings, Mrs. M. H. Will.

Visitors: Mrs. Mary Fox, Mission Hill; Mrs. L. O. Webster, Parker; Mrs. Mary E. Balch, Frankfort, Ind.; Mrs. Addie M. Estey, Fayette, Iowa; Mrs. F. A. Sabin and Mrs. Andrew Pickett, Vermillion; Miss Carrie Robinson, Gayville.

Sessions were held morning, afternoon and evening, and a programme of exercises given out for each session.

The president appointed Mrs. Johnson of Highmore, Mrs. Dyre of Madison and Mrs. Swift of Yankton a committee to supply speakers for the meetings at Gayville and the city pulpits of Yankton on Sunday.

The reports of superintendents were limited to six minutes. The evangelistic work was reported by Miss Emma Swartz; jail and prison work by Mrs. E. H. Wilson; flower mission work by Mrs. C. G. Clark.

Miss Grace French, of Rapid City, and Mrs. O. M. Leader, of Whitewood, were introduced to the convention and gave some account of the work in the Black Hills.

Mrs. J. M. King reported drawing room work. Mrs. C. M. Spears, work among soldiers. Mrs. P. E. Johnson, on legislation and petition. Mrs. J. E. Hanson, on influencing physicians not to prescribe alcohol.

Mrs. Barker, president, gave some account of railroad work done by Mrs. Luckey, of Huron.

The president's address was delivered at 4 o'clock, which was an able paper, picturing in glowing words the two armies arrayed the one against the other, in the battle which is now raging in the Dakotas for and against the prohibition of the liquor traffic. The address was given the tribute of a rising vote of thanks.

Judge V. V. Barnes, chairman of the Non-partisan Prohibition Committee of South Dakota, made some remarks, when a solo was rendered by Mrs. W. H. Smith of Yankton and the convention was dismissed with the benediction by Rev. J. P. Cotton.

The evening session was devoted to the Y. W. C. T. U. programme under the direction of Mrs. R. B. Hager, superintendent of young women's work.

"Coronation" was the opening hymn when prayer was said by Miss Addie M. Kinnear, of Fargo, who also read the 146th Psalm.

Vocal music by the choir, "Fair Freedom's Land."

Mrs. F. M. Swift, of Yankton, gave a most hearty welcome to the members of the young women's convention, to the homes and hospitality of the people of Yankton.

The response for the "Y's" was given in a most happy manner by Mrs. M. Monson, of Fargo, thanking the people for their charming, unfeigned and assuring welcome.

The president of the convention responded for the parent order and said it was a great relief to come to a town which was not selling corner lots to secure the capital. A question of far more importance than the location of the capital will meet the voters of Dakota at the ballot box, October 1st, namely, the perpetuity of the home.

The report of the secretary was read by Miss Scoggin, showing that twenty-three new "Y" unions had been organized during the year, two have been reorganized, making forty-five unions in the territory with a membership of 500.

Miss Bovee, of Elk Point, gave a reading.

Mrs. R. B. Hager gave a very valuable talk on the work of the "Y's."

The spirit of the union is to help others.

Miss Chase, of Parker, followed with an interesting paper entitled, "Our Sphere."

Miss Hattie Consor, of Ellendale, gave an appropriate essay, which was warmly approved.

An address full of sound common sense was given by Miss Estey.

Mrs. Horning, of St. Lawrence, gave an amusing talk, following which a collection was taken for the benefit of the local and the state unions to be formed. Vocal music, "To the Rescue." Benediction by Rev. J. P. Cotton.

Friday morning's session opened with devotional exercises led by Mrs. Huntley of Jerauld County.

Mrs. P. E. Johnson, of Highmore, Miss Grace French, of Rapid City, and Mrs. S. R. Caswell, of Grand Forks, were appointed a committee to recommend working constitutions for the states of South Dakota and North Dakota.

Mrs. Balch, of Indiana, and Miss Estey, of Iowa, were elected honorary members of the convention.

The report of the foreign work was made by Mrs. O. M. Leader, of White-wood, who also reported work among miners.

Mrs. Hall, of Wessington Springs, reported on hygiene.

Mrs. O. J. Ward, of Parker, reported on heredity.

Mrs. D. W. Myers, of Vermillion, reported on scientific instruction.

Mrs. J. M. Graham, of Jamestown, reported on temperance temple work. Mrs. Graham's report was accepted with a unanimous rising vote of thanks.

Mrs. H. Murphy, of Elk Point, reported on Sunday school work.

Mrs. A. A. Pickler, of Kaulkton, reported on franchise.

The report of Mrs. Anna Simmons, of Columbia, on juvenile work was read by Miss Clara A. Stevens. The number of Loyal Legions in the territory was fifty-one, with a membership of 2,178.

Ex-Governor Faulk was introduced to the convention and spoke for a few moments, declaring himself heartily in favor of prohibition and woman's suffrage.

Hon. J. H. Patten, of Miner County, spoke with reference to the work of the last two sessions of the Legislature. Rev. W. J. Johnson, of Sioux City, made a cheering neighborly speech, and Rev. F. A. Burdick defined his own position on the temperance question.

Rev. Dan E. Bradley commended the work of the W. C. T. U. and testified that prohibition prohibits in some places in Massachusetts as well as in Iowa. It will do as well in South Dakota.

Mrs. Myers read the report of Mrs. L. W. Slaughter, of Bismarek, on the subject of press work.

Mrs. E. T. Selleck, of Aberdeen, reported with reference to the official newspaper of the W. C. T. U., the Appeal, of Aberdeen, which had been conducting itself in a reprehensible manner, and Mrs. Kline introduced the following resolution which was adopted by a unanimous vote:

Resolved, That we deprecate the course taken by the Appeal in giving the influence of the official organ of our State W. C. T. U. to the support of men not pledged to prohibition, and who do not claim to be in sympathy with our principles. While an editor may speak his own private opinion, he has no right to give the organ of a prohibition society to the support of men known to be neither abstainers or prohibitionists, without the knowledge or consent of the society. Hence we approve the action of the executive committee in withdrawing our support from the Appeal.

The report of Mrs. Clara Parsons, of Grand Forks, on state and county fairs was read by Mrs. R. S. Caswell.

Miss Clara Stephens reported with reference to the Union Signal.

A prayer by Mrs. Hanson preceded adjournment.

In the afternoon session of the principal association, Friday, devotional exercises were conducted by Mrs. M. E. Gilman, of Fargo. Mrs. E. A. Cranmer, of Aberdeen, assistant organizer and lecturer, reported her work.

Mrs. Nettie C. Hall, of Wessington Springs, reported her experiences as an organizer, some of which was very thrilling.

Miss Addie Estey reported her work as organizer, giving valuable hints and suggestions.

Mrs. Harning reported what she had accomplished as an organizer.

Mrs. H. M. Barker reported what had been done by herself in the organizing field.

Mrs. M. E. Kline read the report of the Finance Committee, and pledges were taken from the different unions.

Mrs. Williams, of Miller, sang a solo, "O Rest in the Lord," with fine effect.

Prof. F. L. Stead gave a very fine organ voluntary, which was received with a rising vote and the chautauqua salute.

The call of the unions for pledges was completed. The largest pledge was made by the Yankton union, \$50. Next were Huron and Watertown, \$30 each. The report of the Finance Committee was adopted.

The report of the Committee on Resolutions was taken up seriatim, amended and referred back to the committee. Miss Swartz offered the following, which was adopted:

Whereas, The Woman's Christian Temperance Union has always recognized prayer as the great motive power of their work, and in every emergency have sought special divine guidance and help, therefore

Resolved, That we, the Woman's Christian Temperance Union of Dakota, in convention assembled, appoint Thursday, September 20, 1889, as a day of prayer, beseeching God that he will so influence the minds and hearts of the voters of both North and South Dakota that they will vote conscientiously, and that constitutional prohibition may be ours on election day, October 1st.

Mrs. Swift, of Yankton, offered the following, which was adopted:

Resolved, That we extend our sympathy to our sister, Mrs. R. J. Smart, who is detained at home by her great bereavement in the death of an only son.

The convention was then dismissed with prayer by Rev. J. P. Cotton, and singing "Praise God from whom All Blessings Flow."

In the evening, after singing by the choir, Mrs. E. T. Selleck, of Aberdeen, led the devotional exercises.

Mrs. Mary Balch, of Indiana, a national organizer, reported her work in the territory. The Demorest medal contest was in charge of Mrs. Balch.

The first recitation was entitled, "A Barrel of Whisky," by Miss Belle Anderson of Scotland. The second recitation was "Eli Perkins on Prohibition," by Miss Maude Perry of Vermillion. The third was on "Personal Responsibility," by Miss Nellie Hundson of Armour. The fourth recitation was entitled "The Battle Cry Should Be 'Absolute Prohibition,'" by Miss Grace Boyles of Yankton. The fifth recitation was entitled "The Walls of a City," by Miss Mattie Foster of Mitchell. The sixth was entitled "Arrest Alcohol and Liberate the Man," by Miss Annie Bailey of Canton.

The judges were Mrs. J. G. Graham of Jamestown, Mrs. Johnson of Highmore, and Miss Harning of St. Lawrence, who awarded the medal to Miss Nellie Hundson of Armour. The second prize went to Miss Foster of Mitchell.

Miss Estey, in a few well chosen words, called for the collection.

After singing "Onward, Christian Soldiers," the association was dismissed with prayer by Rev. J. F. Cotton.

Devotional exercises were under the direction of Miss Swartz at the beginning of Saturday's morning session.

Miss Frances E. Willard was introduced to the convention by Mrs. Baker, and the distinguished lady and celebrated temperance reformer was received by the convention rising and giving the chautauqua salute. Miss Willard spoke briefly expressing her pleasure at being present and meeting the renowned association of Dakota whose voice had been heard throughout the republic demanding the abolition of the cruel and relentless tyrant, Alcohol, King Alcohol. We cannot claim to be free people until he is dethroned. Miss Anna Gordon followed Miss Willard in a very happy vein. The Committee on Resolutions made their report. Miss Willard spoke a good word for the resolutions, approving the



prohibition plank of the Huron convention. The resolutions are here given. They were unanimously adopted:

Resolved, That we recognize God as the source of all power in civil government, and his word as of supreme authority in national affairs, and that as we believe the work of the W. C. T. U. to be excellent discipline for womanhood everywhere, as well as a work that tends to the glory of Christ's kingdom, we pledge ourselves to endeavor to increase its membership during the coming year.

Resolved, second, Believing with our national president, that "the three-fold curse of intemperance, the tobacco habit, and impurity, is based on the inheritance of the past," we strongly recommend to our unions, thorough work in the department of heredity the coming year.

Third. Recognizing that the body is the temple of the living God and that God's health decalogue are as binding as are his spiritual laws, and that there is not a branch of study of hygiene but bears the closest relation to the temperance reform, we urge the local unions to give earnest attention to this department of work.

Fourth. Believing we have a blessed guarantee for the future in diligently teaching the principles of purity to our children, and feeling that mothers and teachers need to be aroused and educated on this subject, we therefore pledge special effort in establishing and maintaining mother's meetings. That we faithfully circulate the white shield pledge among the women, the pledge for purity among the boys and girls, and that we co-operate most heartily with the white cross movement in our territory.

Fifth. That we endorse the work of the National Temperance Hospital and will do all we can to further its power and influence.

Sixth. Whereas, Dakota is dotted with military and G. A. R. posts, Resolved, that the department of soldiers' work be specially encouraged during the coming year.

Seventh. That our observation teaches us that the use of narcotics is one of the great causes of the drunk habit, and that we follow our national superintendence in her efforts to secure legislation against the sale of tobacco to miners.

Whereas, a love of strong drink may be cultivated, and an inherited one aroused, by the use of alcoholics and narcotics, therefore, resolved, that as white ribbon women we patronize, as far as possible, physicians who do not prescribe alcoholic stimulants, and in every way try to inform ourselves as to the best substitutes for the same.

Ninth. Whereas, we have a large foreign population scattered all over the Dakotas, we most earnestly urge that all unions appoint local superintendents who will use their influence by means of distribution of literature, and otherwise, to secure the foreign vote, and try to secure the co-operation of the foreign speaking sisters, and get them enlisted in the W. C. T. U. work.

Tenth. That we urge upon all local unions to take up the department of legislation and petition, as a means of securing wise laws for our new states as well as a means of personal education for intelligent citizenship.

Eleventh. Believing the parlor meeting department to be helpful to all other departments of W. C. T. U. work, and calculated to enlist many who would not otherwise be interested, we earnestly recommend that in order to build up the union in knowledge and in numbers, the unions already having superintendents, support them, and that all those not having already taken up the work do so immediately.

Twelfth. Recognizing in the Demarest medal contests a great boon to the advance of prohibition sentiment, as well as an education to the young participants, we urge upon every union the importance of pushing this work in every township of Dakota.

Thirteenth. Since by the admission of the Dakotas as states, we lose the benefit of our national educational law, we will work diligently to secure state laws for scientific temperance instruction.

Fourteenth. That we express our gratitude to our Heavenly Father for his blessing upon the labor of the W. C. T. U., by which the Union Signal has obtained a circulation of 70,000, and more than twelve hundred in Dakota. We urge upon each union the necessity of having a superintendent to increase the circulation of our national organ; also among the "Y's," to increase the circulation of the Oak and Joy Leaf, the organ of the society. Also among the loyal legions to increase the circulation of the Young Crusader. Also that each superintendent report promptly to state superintendent. We would also urge the importance of increased circulation among the Germans of the Deutch Amerikaner, also Swedish and German Handbuch, for distribution.

Fifteenth. That we reaffirm our belief in the inherent right of the ballot for women, and that justice and good government demand her enfranchisement. We therefore consecrate our efforts to the accomplishment of this end the coming year.

Sixteenth. We acknowledge with thanks the gallant generosity of the Dakota press which has enabled us to keep our cause so well before the public.

Seventeenth. That the Dakota W. C. T. U. appreciates and hereby acknowledges the valuable assistance rendered by those lecturers and organizers from abroad who have responded to our call for help in the campaign. Mr. Batch, of Indiana, and Miss Estey, of Iowa. At the same time we put on record our appreciation of the work of our own Mrs. Hall, Mrs. Cranmer, Mrs. Morning, and Miss Kinnear.



Eighteenth. That we re-affirm our former expressions of loyalty to our National W. C. T. U., pledging it our hearty support in its broad policy for woman's suffrage, for national prohibition, and for the redemption of the world from the legalized saloon.

Nineteenth. That we congratulate our territory on the leadership of so true a friend to equal suffrage and prohibition, as our present governor, A. C. Mellette.

Twentieth. While we recognize the grand work done by the prohibition party in Dakota, impressing forward the great temperance issues upon the attention of our voters, we hail with gratitude the position taken at the Huron convention by the republican party of South Dakota in declaring so unequivocally for constitutional prohibition, state and national, and since the dominant party in South Dakota has adopted the platform so long asked for by the W. C. T. U., therefore,

Resolved, that we pledge that organization our sympathy and support so long as it adheres to prohibition principles and places in nomination for office only those who can stand on a prohibition platform.

We also rejoice at the growth of prohibition sentiment in the Dakota democratic party as manifested by the action of the brave fifty-six in their recent state convention at Huron.

By this action we place ourselves in line with the action of the prohibition party, that calls no convention and puts no candidates in the field this year, but, makes common cause with the republican party in the brave fight for God and home and native land.

Twenty-first. That we most heartily endorse work of the department of Sabbath observance, pledging ourselves to earliest efforts to secure the best possible laws for the preservation of the sanctity of the day.

Twenty-second. We rejoice in the advanced ground taken by the Farmers Alliance, unanimously declaring for prohibition and the same rights for their wives and their daughters that they ask for themselves.

Twenty-third. That we recognize in our girls, the future womanhood and motherhood of our country, and believing that the work of the "Ys," is eminently fitted to qualify them for the increased responsibilities and usefulness which this country is bringing them, we pledge ourselves to help and encourage them to organize for this work.

Twenty-fourth. That a loyal legion superintendent be appointed for each county, and that at least a half hour be given children's work at county conventions.

Twenty-fifth. As our beloved Dakota is soon to be divided, we trust we may as unions work as earnestly to accomplish the desired results in our separate interests as we have in the grand undivided whole, and hereby pledge, each to the other, our undivided sympathy and prayers.

Twenty-sixth. That we rejoice in the action taken by the Knights of Labor in unanimously declaring for prohibition and woman suffrage.

The Auditing Committee reported that it had examined the treasurer's report and found it correct. Report adopted.

Dr. Joseph Ward, of Yankton College, was introduced to the convention and spoke briefly.

Professor Bartlett addressed the convention, urging the W. C. T. U. to push the work of the Prohibition Alliance, and suggested that an Appeal be sent out to voters. He also recommended that W. C. T. U. have an organ of their own.

The time for division having arrived, Mrs. Baker made a few appropriate remarks. The convention joined in singing "Blest Be the Tie that Binds."

The North Dakota delegates retired to the chapel, while the South Dakota delegates sang "God Be with You till We Meet Again."

#### NORTH DAKOTA W. C. T. U.

The convention was organized by electing Mrs. Barker temporary president and Mrs. R. A. Bill temporary secretary. The election of permanent officers resulted as follows: President, Miss Addie M. Kinnear, of Fargo; recording secretary, Mrs. R. A. Bill, of Jamestown; corresponding secretary, Mrs. Ida G. Fox, of Valley City; treasurer, Mrs. J. H. Boyle, of Ellendale.

#### SOUTH DAKOTA W. C. T. U.

The South Dakota convention organized by electing Miss Frances E. Willard temporary president and Mrs. F. A. Van Velsor, of Yankton, temporary secretary. A constitution was reported and adopted. Officers were elected, as follows: President, Mrs. H. M. Barker, of Huron; vice president, Mrs. E. A. Cranmer, of Aberdeen; corresponding secretary, Mrs. F. M. Swift, of Yankton;

recording secretary, Mrs. D. W. Myers, of Vermillion; treasurer, Mrs. M. E. Kline, of Mitchell.

DAKOTA SUNDAY SCHOOL ASSOCIATION, 1875-1880—FIRST AND LAST CONVENTIONS

The Dakota Sunday School Association was organized 1875, at Vermillion, and held its first annual meeting at Yankton, beginning June 14th and continuing three days. The sessions were held at the First Congregational Church. Rev. Joseph Ward delivered the welcoming address, which was responded to by Rev. J. P. Coffman, of Elk Point. Rev. Ralph Wells, of New York, was present and acted as conductor of the convention. Mr. Wells had spent much time as a missionary in Palestine. Committees as follows were appointed:

On Credentials—E. H. Withee, T. H. Judson, B. B. Scott. On Constitution—Rev. A. W. Hilton, Finlay; Rev. James Oakley, Elk Point; Dr. W. P. Pike, Vermillion. On Resolutions—Judge G. G. Bennett, Vermillion; Rev. James Buchanan, Yankton; Rev. B. B. Scott, Sioux Falls. On Nominations—Rev. J. E. Williams, Elk Point; Rev. Joseph Ward, Yankton; Rev. T. H. Judson, Swan Lake; Rev. A. Jamison, Yankton; W. S. Bell, Vermillion.

The Committee on Credentials found the following named persons to be the representatives of the Sunday schools of the territory as delegates to the convention: Elk Point—Rev. James Oakley, E. W. Laird, Judge H. H. Blair, Mrs. Blair, Mr. D. P. Putnam, Mrs. D. P. Putnam, D. W. Hasson, Rev. J. P. Coffman. Vermillion—Judge G. G. Bennett, Miss Clara Pratt, K. B. Finlay, Mrs. K. B. Finlay, Miss Effie Grange, Miss Hollenbeck, Mrs. J. B. Dailey, W. C. Bower, O. Pickett, S. S. Sparks, Mrs. H. J. Austin, Mrs. T. K. Hovey, Mrs. W. P. Carr, Miss G. Carr, Wm. O. Devay, Rev. A. J. Fernes, William Bell, and Mrs. G. J. Owens. Lodi—Mr. S. Sherman, Mrs. S. Sherman, V. B. Losee, Mrs. V. B. Losee. Spring Valley—David Conway and S. Andrews. Pleasant Valley—John W. White. Swan Lake—Rev. J. H. Judson, Miss V. Judson, E. R. Withee, Yankton—Rev. Joseph Ward, Rev. James Buchanan, Rev. A. Jamison, S. K. Felton, N. M. Buchanan, Mrs. Dunlap, Miss Case, J. R. Sanborn, Mrs. John Bremner, Miss S. L. Higbee. Yankton Agency—Rev. John P. Williamson. Canton—Rev. Joseph Gallup and Daniel Slack. Star Corners—L. Rudle and John Babb. Meckling—Mrs. M. J. Taylor and Miss Anna Sponage. Riverside—Rev. L. Bridgman. Bon Homme—Mr. David Devol. Finlay—Merritt Smith, Oak Hall, and Isaac Wilcox. Sioux Falls—Rev. A. W. Hilton, Mr. Dobson, Mrs. Dobson, Mrs. Skinner, Mrs. Dr. Phillips, Rev. B. B. Scott, Mrs. E. J. Scott, Miss Josie Rest, C. W. McDonald, W. R. Williams. Dakota River—Rev. D. W. Cook. Gayville—Rev. W. J. Gardner.

Scripture reading, prayer and singing followed, succeeded by various motions and suggestions. Elk Point was selected as the place for the next annual meeting.

Mr. Wells introduced blackboard exercises as a means to make the Sunday schools of greater interest. He had used the blackboard for twenty-five years. "Nine tenths of all our teaching is lost," he declared. "Eye teaching, or object teaching will remain." A Bible lesson in Chronicles was conducted by Mr. Ward. He urged careful study and research of the Old Testament. The question drawer, a prolific source of discussion, closed the second day's session.

The reports from the various Sunday schools occupied several hours at the evening session. The report from the Yankton Indian Agency awakened considerable interest. It was made by Mr. Williamson, the missionary there. He said that none of his pupils knew how to read when he began seven years before, and the school was like one infant class with pupils seventeen years of age. The Sioux language was spoken. The school had progressed from one superintendent and one teacher to four teachers, two of whom are Indians. The school then numbered fifty Indian children, large and small. Thirty-five had been gathered into the church. Nearly all knew how to read, now eighty-eight.

The statistical report by Mr. Bell gave to the territory over seventy working Sunday schools, only a portion of which had been able to send delegates to the convention.

The treasurer reported \$30 in the treasury.

The Committee on Nominations reported the following, which were ratified: President, W. P. Pike; vice presidents, A. J. Furman, Baptist; B. B. Schott, Methodist; E. Miner, Congregationalist; Reverent Chase, United Brethren; recording secretary, S. F. Andrews; statistical secretary, W. S. Bell; treasurer, N. T. Lewis; executive committee, J. P. Coffman, E. W. Laird, J. Williams, Emory Morris.

How to teach the pupils of the Sunday school, was the principal topic of the closing day. Among the resolutions adopted were:

Resolved, That we recognize in the Territorial Sunday School Association work, a means of great good in uniting the various denominations in the success of a common cause.

Resolved, That this convention recommend that as far as practicable county Sunday school conventions be organized in each county during the ensuing year.

Resolved, That we place ourselves on record in favor of total abstinence and prohibition.

Then follows the convention thirteen years later.

The Dakota territorial Sunday school convention met at Jamestown June 4, 1889, and divided into two separate associations, one for North and one for South Dakota.

There were about seventy-five delegates in attendance upon this, the fifteenth annual meeting. Delegates were welcomed at the opening of the convention by an address by Hon. Alfred Dickey. Superintendent W. S. Bell, of the Sioux Falls Normal Institute, Miss E. L. Swartz and Assistant Superintendent William Ewing, of Jamestown, made reports of the work of the past year. These reports show that there were fifty-two county Sunday school organizations in the territory. Thirty-five of these were in the South and seventeen in North Dakota. Two county organizations had been formed in South Dakota during the twelve months past and thirteen in North Dakota. Addresses were made by Rev. C. G. Cressey, Aberdeen, subject, "Teacher's Bible and Its Study;" E. E. Saunders, Fargo, subject, "House to House Visitation;" Rev. V. M. Yergin, Fargo, subject, "The Sunday School and the Nation;" Rev. D. S. McCaslin, Huron, "Christ and the Common People." President Kent of Huron and D. P. Hard of Sioux Falls were in attendance.

A North Dakota and South Dakota association was organized as the legitimate successors of the territorial parent. The South Dakota association elected officers as follows: President, R. V. Kratz, Mitchell; first vice president, Rev. J. Rowe, Redfield; second vice president, Rev. J. P. Coffman, Dell Rapids; third vice president, Rev. D. S. McCaslin, Huron; secretary, Rev. E. W. Carter, Lake Henry; executive committee, Hon. V. V. Barnes, Yankton; Rev. W. H. Brearly, Jasper; D. P. Ward, Sioux Falls; C. M. Peck, Mitchell; Rev. W. B. Hubbard, Chamberlain; Rev. W. B. D. Gray, Lake Henry; F. H. Kent, Huron; Eugene Steere, Pierre; T. W. Diggs, Milbank; F. H. Hagerty, Aberdeen; Rev. C. H. Cressey, Aberdeen; L. W. Stillwell, Deadwood; Rev. W. L. Moll, Sioux Falls.

After the death of Dr. Joseph Ward the trustees of Yankton College resolved to establish a memorial fund of \$150,000 for Yankton College. When this project was laid before the Indians at Santee Agency they responded with promptness with a purse of \$200. Some of the contributors to this fund were Indians who, twenty-seven years before, were engaged in the Little Crow hostilities in Minnesota.

#### BUSINESS AND SOCIETY INTERESTS DIVIDE

The grand lodge of the Ancient Order of United Workmen for the Territory of Dakota was organized at Huron on Thursday, the 22d of August, 1889.



The following officers were elected and installed on the second day of the session by the supreme master workman of the United States, W. R. Graham, of Cedar Falls, Iowa: grand past master workman, C. C. Huff, of Huron; grand master workman, J. L. Houtz, of Blunt; grand foreman, C. D. Hughes, of Jamestown; grand overseer, A. G. Smith, of Lead City; grand recorder, J. D. Lavin, of Columbia; grand receiver, H. C. Sessions, of Columbia; grand guide, A. F. Thompson, of Faulkton; grand inside watchman, G. W. Elliott, of DeSmet; grand outside watchman, J. C. Banks, of Sheldon; grand trustees, F. J. Moore, L. W. Arnold, and A. Barker; representatives to supreme lodge, H. C. Sessions, C. C. Huff and J. I. Boutz; medical director, Dr. F. M. Crane, of Doland.

The order was in a very flourishing condition with a membership of a score of thousands and yearly increasing.

No movement appears to have been made at this time to divide and establish separate orders for the two Dakotas.

The Bankers Association of the Territory of Dakota met at Fargo in 1886. It was its fifth and last convention, as one of the principal features of the meeting was a formal division of the convention into two associations of North and South Dakota, respectively. During this session a committee was appointed to confer with the Farmers Alliance with the view of arriving at a mutual understanding and co-operation in matters in which both were interested. The division came with the North Dakota association adopting the old constitution, with some modifications, and electing Charles A. Morton, president; George B. Clifford, secretary; and R. S. Adams, treasurer. The southern association adopted the old constitution and elected Frank Drew, president; Eugene S. Steere, secretary; and N. P. Beebe, treasurer.

#### BLACK HILLS OLD SETTLERS ORGANIZED

A society of Black Hills pioneers was organized at Deadwood on the 8th of January, 1886. The officers chosen were: President, Capt. T. H. Russell, Deadwood; vice presidents, John Gray of Terraville, R. B. Hughes of Rapid City, Samuel Shankland of Custer City, F. G. Dudley of Hot Springs, Frank Phalen of Minnesota and James C. Ryan of Cook County, Wyoming; L. F. Whitbeck of the Deadwood Times, secretary; Gen. A. R. Z. Dawson, Deadwood, treasurer; directors, Capt. C. V. Gardner, John P. Belding, George Carle, Noah Newbanks, and N. M. Booth.

There were over three hundred old settlers present.

#### RETAIL LIQUOR DEALERS ORGANIZE

The retail liquor dealers of South Dakota organized for the purpose of opposing the adoption of the clause of the constitution prohibiting the manufacture and sale of intoxicating liquor. The executive committee of the association met at Yankton in June, but its proceedings were not of a public nature, they claimed, and no clue could be had of the plans that were matured. They expected to be able to defeat the adoption of the prohibitory clause by an energetic campaign in which platform addresses and anti-prohibition literature would perform the most important part. They claimed that the result of prohibition in the states, of late years, does not justify the positive assertions of the prohibition advocates that temperance reform or better government is promoted by its adoption. They claimed further that the people who have tried it are not satisfied with it owing to the difficulty of enforcing it. They further asserted that from 1886 to 1885 six of the seven states voting on the subject adopted it, while from 1885 to 1889 (the present year) nine states voted on the question, and it failed of adoption in any one of them.

The Grand Lodge of Ancient Free and Accepted Masons for Dakota Territory met at Mitchell in June, 1886, and after attending to the usual business of the order, the delegates from North Dakota withdrew and formed a grand lodge



for North Dakota, electing the following brethren as officers of the new grand body: W. G. Cloes, worshipful grand master, Jamestown; F. J. Thompson, deputy grand master, Fargo; J. A. Shelby, senior grand warden, Hillsboro; A. B. Henick, junior grand warden, Lisbon; C. H. Jackson, grand treasurer, Pembina; D. S. Dodds, grand secretary, Lakota.

The South Dakota body elected officers as follows: Geo. V. Ayers, worshipful grand master, Deadwood; T. D. Kanouse, deputy grand master, Woonsocket; H. J. Rice, senior grand warden, Huron; George A. Johnson, junior grand warden, Mitchell; H. S. Murphy, grand treasurer, Elkton; C. T. McCoy, grand secretary, Aberdeen.

The Grand Lodge of the Independent Order of Odd Fellows met at Jamestown in May, 1889, and divided into two grand lodges, one for the north and one for the south.

The Sons of Veterans of the Territorial Association met at Jamestown in May, and formally divided into two military orders, one for the north and one for the south. W. A. Ellsworth, of Forman, was elected colonel, commanding the North Dakota society, and Colonel Brass, of Mount Vernon, was re-elected for South Dakota.

The organization of the Dakota Soldiers' Home at Hot Springs, Fall River County, took place June 8, 1889. Thomas A. Bones, of Webster, was elected president; W. V. Lucas, of Chamberlain, secretary; J. J. Kleiner, of Pierre, treasurer; W. P. Phillips, Hot Springs, superintendent of construction.

#### FIREMEN'S TOURNAMENT

The South Dakota Firemen's Association held its fifth annual tournament at Yankton in June, 1889. It was something more than an annual assembling of these people owing to the proposed changes in Dakota's political status. Every local department in the jurisdiction was represented liberally and preparations for a grand occasion had been made on an unusually grand scale. There were \$2,000 in cash prizes to be competed for by the various companies, with a number of special prizes, and a championship cart to be won, worth \$400. The tournament began on Wednesday, the 19th of June, and continued four days. The local associations represented were those of Sioux Falls, Scotland, Mitchell, Kimball, Miller, Madison, Tyndall, Huron, Pierre, Dell Rapids, Yankton.

The names of the visiting bodies were:

From Pierre—S. C. Garnell, chief, C. W. Richardson, Ben. Andrews, Fay Smith, Frank Fairan, Will Kelsey, A. S. Brown, George Harris, Eugene Cutting, J. W. Pratt, H. F. Cutting, F. Hunt, Will Albright, L. R. Thompson, A. G. Geiger, G. H. Bront, Fred. Aleyon, H. J. Gardner, W. E. Smith.

Scotland—Thomas Truin, Abel Stafford, A. D. Ardery, W. Youngwrith, S. Wietenmeyer, Anton Sailer, J. A. Ganoring, J. Piroutek, P. Jasman, J. A. Stafford, W. J. Stafford, R. L. Harben, J. A. Brown, G. Barrows, Emil Schamber, Emil Kirk.

Dell Rapids—T. S. Galbraith, foreman, A. D. Good, captain, R. Howland, W. Stewart, W. DeGood, W. Adamson, G. Burns, E. Gregory, R. Weston, W. Landers, R. Richardson, Jas. Meldrum, A. Griswold, Ed. Lunt, J. Tuffield.

Madison—J. W. Davison, chief, D. H. Gilsey, assistant chief, A. T. Fuller, foreman, R. C. Hart, assistant foreman, C. E. Gage, delegate, E. M. Prentice, E. Melville, O. E. Snowden, W. H. Farren, A. Green, J. Coffee, E. Martin, J. L. Williams, C. M. Koehler, F. E. Fisher, W. Molumley, H. Boswell, E. V. Lombard, George Perry, C. Thomas, L. A. Elwill, C. L. Faulkes, J. A. Collins, J. F. Farran, Mike Tobin, W. Say, J. Slack, J. Orr, D. R. Davis.

Huron—W. C. Sterling, C. H. Hudson, Sim. Gombon, T. M. Stives, E. A. Spinden, D. K. Bugant, S. S. Butterfield, C. Stallman, H. P. M. Finney, A. E. Beaumont, Mike Springer, H. Hamley, F. C. Bloodgood, H. M. Hollister.

Sioux Falls Hose Company No. 1, T. C. Carleton, foreman, W. DeGood, first assistant, E. Moore, second assistant, F. H. Gillett, engineer, W. G. Hickox, F. Fotman, W. Brant, T. L. Robbins, D. Hort, W. Wolt, D. Donahue, C. Hyer, D. S. Smith, T. Smith, H. Taffield, A. DeGood.

Drake Hose, No. 3, Sioux Falls—T. Skinner, foreman, B. Dirgen, secretary, G. B. Merwin, H. Stringham, Ed Manning, A. Dennis, C. Smith.

Mechanics Hose, No. 2, Sioux Falls—Oscar Gast, foreman, P. Mullen, first assistant, F. Palm, E. Johnson, H. Paulson, P. Pesh, G. Peck, G. Harris, P. Tharldson, H. Mullen.

Sioux Falls Hook and Ladder Company—F. L. Richardson, foreman, T. Sampson, first assistant, T. Glasser, second assistant, G. A. Donahue, secretary, W. Whalen, M. Walser, F. Mantshaff, C. Lynn, T. Higgins, T. Alberg, E. Gessell, T. Fleming, B. F. Bean, W. Raabe, C. Austin, T. A. Scott, Carl Rogers, W. S. Shay, G. F. Fenton, Andrew Carlson, R. Arnold.

Yankton Hose Team—Gus. Seibert, captain, A. Löffler, E. Zeinert, G. Stephenson, M. Walsh, W. Walsh, F. Lynch, G. Fox, J. L. Boone, H. Higbee, H. T. Todd, G. Sumner, J. Fanslow, R. McGuire, J. Todd, J. Preston.

Yankton Hook and Ladder Team—G. R. Hobson, foreman, J. Fanslow, assistant foreman, J. T. Williams, Gus. Brauch, T. M. Brishine, A. Löffler, J. Brauch, E. Stubbs, J. H. Balmat, C. B. Taylor, M. Madlen, H. Darnley, M. Welsh, A. Seibert, A. Peterson, P. Reddy, W. Walsh, C. S. Winter.

Teller Hose, Yankton—Frank Zeinert, foreman, Louis Gust, Wm. Ward, John Lang, F. Ruther, E. T. White, K. Gunther, E. Zienert, George Baumann, R. Pederson, assistant foreman, E. A. Odiorne, Josiah Gray, Wm. Foard, H. O. Colkins, G. W. Frostensen, M. Frank, E. T. Stockwell, Harry Baker, G. Stephenson.

Champion Hose Company, No. 2, Yankton—J. Boone, foreman, F. Burgi, assistant foreman, Ed. Johnson, secretary, L. M. Caya, treasurer, G. Fox, J. Todd, G. W. Peterson, Asa A. Grant, Joe Campbell, D. M. Pettibone, M. P. Dolwing, H. Levi, F. Begehmeier, J. T. Coxhead, O. E. Sampson, Amos Bowyer, Ed Stone, G. A. Baker, W. Lagan, A. G. Osborn.

Some of the towns appeared to have been represented by individual members.

A fine parade opened the exercises for the first day in which the following participated: Knights of Pythias Band, Sioux City; two carriages containing board of control and committee men; Miller Hook and Ladder; Scotland Hook and Ladder; Sioux Falls Cornet Band; Sioux Falls Uniformed Company; Sioux Falls Steamer; Second Sioux Falls Uniformed Company; Kimball Hose; Madison Hook and Ladder; Mitchell Hook and Ladder; Scotland Hook and Ladder; Tyndall Cornet Band; Huron Hose; Pierre Hose; Pierre Hook and Ladder; Yankton Hose; Rescue Hook and Ladder, a Yankton boy organization with miniature truck; Yankton Hook and Ladder; Steamer from St. Paul.

After the parade the exercises were held on the Garfield school grounds, west of the River Rhine, not then occupied.

The first of these was the single man's coupling contest. The entries were: George Fox, Joseph Boone, Harry Higbee, Yankton; A. Hilton, Huron; J. W. Stiver, Huron; Fred Elce, Parker; A. McMullen, W. G. Richards, W. E. Klingman, G. R. Wilson, Kimball; Chas. Nicholsen, Mr. Schofield, Mitchell. Nicholsen and Schofield were protested on the ground that they lived in Council Bluffs, but the protest was not sustained. Geo. Fox won the contest, in  $4\frac{1}{4}$  seconds; Fred Elce, second, in  $5\frac{1}{4}$  seconds. Nicholsen made the coupling in 6 seconds, Schofield in 7, McMullen in  $12\frac{1}{4}$ , and the others were given no time. Richards, Klingman and Wilson had withdrawn. Fox took \$15 and Elce \$10. Timers, John Waugh of Castalia, Tracy Pratt of Pierre, Alex Knerster of Miller. Judges, James Barney of Sioux City, Geo. Harris of Pierre, C. Gibson of Council Bluffs.

For the green hose race there were but two entries—the Kimball team and the Dell Rapids team. The Kimballites were the first to appear on the grounds, and at the sound of the pistol started in good form and covered the 300 yards

and made their coupling in the creditable time of forty-four and three-fourths seconds. Dell Rapids followed, and although they made fully as good run as their opponents, they were slow in coupling, and had forty-five and one-half seconds registered against them.

No delay was caused in starting the hook and ladder teams. Scotland was the first to face the starter. Their run was exceedingly rapid but their man failed to stroke the topmost round of the ladder, and was sent up again when halfway down to complete his task, thus losing much time. Fifty-five seconds was the time officially announced. The Madison team were the opponents and they, without exception, stuck to their cart manfully to the end, their ladder man reaching the top round in forty-eight seconds. A heavy wind and rain storm soaked the earth the second night, interfering somewhat with the third day's programme.

The ladder man's contest, run fifty feet and climb ladder. For this the entries were C. Smith, T. W. Coquette of Miller, Milt Floss of Mitchell, W. Ray, W. Malamby and Clark Elliott of Madison. The time was, Smith,  $5\frac{1}{4}$ ; Coquette,  $5\frac{3}{4}$ ; Floss,  $6\frac{1}{4}$ ; Rae,  $6\frac{1}{4}$ ; Malamby,  $6\frac{1}{4}$ ; Elliott,  $5\frac{1}{4}$  seconds. Smith and Elliott tying, they decided it by another contest, and Elliott won in  $7\frac{1}{4}$  seconds, Smith losing by a mishap. Elliott took purse and championship badge.

The forty-seven-class hook and ladder race followed. Three hundred-yard run, place and mount ladder. Entries, Scotland and Madison teams. Time, Scotland,  $50\frac{1}{4}$  seconds; Madison,  $46\frac{3}{4}$  seconds. Madison took the heavy end of the \$125 purse, Scotland receiving \$50.

The championship hook and ladder contest was now on—300-yard run, place and mount ladder. The entries were Miller, Scotland and Madison. Miller held the championship banner won in the tournament last year, and worked heroically to keep it and succeeded. Ladderman Smith made a wonderful climb. The Miller team came in first in 43 seconds; Madison second, 46 seconds; Scotland third, 50 seconds. The time made by the Miller team beat its last year's championship record by two and three-quarter seconds, and also of greater importance to the South Dakota firemen, it beat the world's record. Miller took the \$200 purse and retained the \$300 banner. One hundred and twenty-five dollars went to Madison and seventy-five dollars to Scotland.

For the forty-six class, a hose race, 300-yard run, lay hose and couple, there were three entries—Dell Rapids, Parker and Kimball. In this contest Parker made a false start and was called back and given time to rest. The race was won by Kimball in  $41\frac{1}{2}$  seconds; Dell Rapids second,  $42\frac{1}{2}$ ; and Parker third, 48. There were two purses, \$75 and \$50. The free-for-all hose race was taken by the Yankton team in  $40\frac{1}{4}$  seconds; Huron second, in 41 seconds; and Pierre third, no time owing to an accident.

Under the rules, teams participating in a "free-for-all," can pick their membership from the crowd, and the three teams entered, Pierre, Huron and Yankton, were made up partly from those cities and partly from other places. The Pierre boys made a splendid race, covering the distance, 300 yards, in thirty-three seconds. As the hose unreeled the coupling struck one of the hubs of the cart, making a dent in the screw threads, and the coupler was not able to do his part. But for this accident the Pierre team would probably have performed the feat in 38 or 39 seconds. The Yankton won in  $40\frac{1}{4}$ , Huron coming in 41. The time was unprecedented—the best on record. The winning team was made up from the Yankton and Kimball companies, namely: Yankton, A. Löffler, E. Zienert, G. Stephenson, M. Walsh, W. Walsh, F. Lynch, G. Fox, J. L. Boone, H. Higbee; Kimball, F. A. Graft, A. L. Findley, A. M. Millen, W. Klingman, F. A. Ray, W. Richards, C. Hooper, G. Wilson, T. Stransky.

The wet test for special prize offered by Harry Katz, of a forty-dollar pipe and coupling, was a 200-yard run, lay hose, attach to hydrant, fix nozzle and throw water. The Sioux Falls team took the prize in thirty-six seconds.



The novelty ladderman's contest was 100-yard run and climb the ladder. Entries were Smith of Miller, Malemby of Madison, Elliott of Aberdeen and Coquillette of Miller. Elliott won in 16 seconds; Coquillette, 16  $\frac{1}{2}$ ; Smith, 16  $\frac{1}{4}$ ; Malemby, 17.

The coupling contest for the championship and purses brought the following entries: Fox and Boone of Yankton, Higbee and Seibert of Yankton, Hilton and Stiver of Huron, Elee and Marshall of Parker, Tutfield and DeGroot of Sioux Falls. Higbee and Seibert, and Hilton and Stiver tied at five seconds, the tie was run off, Higbee and Seibert winning in 4  $\frac{1}{2}$  seconds; Hilton and Stiver, 5  $\frac{1}{2}$ ; Fox and Boone, no time; Elee and Marshall, 5  $\frac{1}{4}$ ; Tutfield and DeGroot, 6  $\frac{1}{2}$ .

The championship hose race was for the championship hose car, held by the Yankton team, and \$200, two other purses of \$125 and \$75 going to the second and third. The entries were Dell Rapids, Kimball, Parker, Huron and Yankton. The Yankton team ran first and made the run and coupling in 40  $\frac{1}{4}$  seconds; Dell Rapids second, scoring 41 seconds; Kimball, third, scored in 42 seconds; Parker, 46  $\frac{1}{2}$  seconds. Huron last, made the run and coupling in 40 seconds, winning the high purse and cart from Yankton by a quarter of a second.

The slow race for the two hook and ladder teams who had made the slowest time in the previous races, was contested by teams from Madison and Scotland. The run was 300 yards. Madison won, time, 39  $\frac{1}{2}$  seconds, Scotland, time, 41 seconds.

The last race of the tournament came off on the fourth day. It was a championship hook and ladder contest which included the scaling of the ladder in addition to 300 yards run. Miller and Madison competed for this and Miller took first honors with the phenomenal time of 40  $\frac{1}{4}$  seconds. Madison's time was 43 seconds.

The handsome hose cart was surrendered to Huron by the Yankton firemen accompanied by a few speeches and suitable ceremonies. Mr. James Kingsbury for the Yankton department congratulated the victors and delivered the vehicle into their possession. Mr. W. B. Sterling, president of the board of control, on behalf of Huron, made an excellent and eloquent reply.

The various cities represented in the contest carried away prizes, as follows: Huron took one prize, cash \$200.00; Aberdeen took one prize, cash, \$30; Miller took four prizes, cash, \$130; Scotland took three prizes, cash, \$150; Madison took five prizes, cash, \$345; Dell Rapids took two prizes, cash, \$75; Kimball took three prizes, cash, \$225; Parker took two prizes, cash, \$30; Sioux Falls took one prize, cash, \$40; Yankton took five prizes, cash, \$540.

In addition to these cash prizes, Huron took the championship hose cart, Miller took the championship hook and ladder banner, Madison took the ladderman's championship badge, and Yankton took the coupler's championship badge.

The annual meeting of the association was held at the city hall, President Sterling presiding. Officers for the ensuing year, who would constitute the board of control, were elected, as follows: President, Richard Woods, of Sioux Falls; first vice president, Z. C. Tucker, of Aberdeen; second vice president, H. Schatz, of Scotland; recording secretary, James Kingsbury, of Yankton; treasurer, B. L. Moffat, of Miller.

Fred Kneel, of the Yankton department, who had died since the previous tournament, was remembered by resolutions of respect, and the sympathy of the association was tendered to his bereaved family to whom a copy of the resolutions was directed to be present.

The visitors pronounced the tournament to have been superior in all essential features to any previously held.

#### MANITOBA MEETING AT SIOUX FALLS

A notable gathering of business men from the cities of Duluth, St. Paul, Sioux Falls and Yankton occurred at Sioux Falls on the 26th of June to



felicitate over the new railway connection between Eastern Dakota and the great lakes, and to talk over the extension of the Great Northern line to Yankton. As a banquet was deemed an incidental feature of such an occasion, such a collation was prepared at the Cataract Hotel where the several addresses were delivered which explain the purpose of the gathering. On the stage was the Damon Division Orchestra, and with the Duluth party was a quartette consisting of Fred Reynolds, H. S. Moody, J. P. Johnson and P. B. Doran, which added a delightful feature to the occasion. Hon. E. W. Caldwell acted as toastmaster.

Judge C. S. Palmer had been designated by the mayor of Sioux Falls, Mr. Willey, to welcome the guests on behalf of the city. Judge Palmer said:

The experience of the guests of the previous evening and the day, must have led them to know how delighted the people of the Queen City are to greet you all. The keys of the city are all yours. Our only regret is that we haven't more to give and are not able to do more than we have done. Sioux Falls is particularly delighted to shake hands with Duluth—for the experiences of the two cities have been similar, rustling against great odds, and finally triumphing. Nature has done wonders for both localities. She has destined a great city at the head of the great lakes, as certainly as she swung the planets whirling in their orbits. She has certainly destined a great city where a wonderful agricultural country is cleft by a river tumbling in cascades a hundred feet over the most remarkable deposit of building stone and paving material in the country. We welcome you all—from Duluth, St. Cloud, Willmar, Pipestone, Yankton, or elsewhere. As you came into the city, and our people first saw your faces and your style, you would have blushed to have heard the compliments bestowed. It was a case of "love at first sight."

The speaker deferred in complimentary terms to President Spicer of the Willmar and Sioux Falls road and Secretary Phelps of the Duluth Chamber of Commerce to whose work Dakota owes much of its success in procuring the railway connections which made this excursion a possibility.

Mr. Costello most earnestly thanked Sioux Falls for her cordial welcome and entertainment, and declared that with all the visitors it had been most certainly a case of "love at first sight"—love for the queen city and her royal people.

We want to do business with such a city and such a people. You are our style of folks. Come and see us and we will attempt to repay your delightful courtesy and hospitality.

Charles F. Blake, Esq., secretary of the Sioux Falls Commercial Club, spoke on behalf of that organization, saying substantially:

We have all looked forward with pleasure to this visit of representative citizens of Duluth and points down along the line, and however much may have been the delights of anticipation, they are cast in the shadow by those of realization. The actual fact has proven to be something broader, and deeper, and richer, than our forecasts of it. And certainly a retrospect of this day and this evening will in the coming months and years bring gratification to every participant. It has been a great time—one whose influence will develop tremendous results in the destiny of every locality represented. The coming years are wrought with pleasant surprises, the seed of which has been sown by this visit. We have been delighted by your presence as genial gentlemen—we will depend upon it that this gratification will expand until it shall touch also the great commercial relations which are to grow up among us. We shall always remember you most cordially, and shall hope at no distant date to renew and broaden the acquaintance so auspiciously begun.

W. F. Phelps, Esq., secretary of the Duluth Chamber of Commerce, responded most felicitously for that association. He said:

While it was to be expected that the business feature of the occasion should be uppermost with business men, I am determined that the social feature shall not go unrecognized. Our entire party has not only been captivated but captured by the hospitable treatment which had been so lavishly extended. We are yours "for keeps"—and you are ours. Neither St. Paul, Minneapolis, nor Chicago, nor any other city could have done more or better by us. Come up and give us a chance to retaliate. And now,—what are the business aspects of this occasion? Among others they are these: By recent development in railroad transpor-

tation you have been brought 200 miles nearer the seaboard—the difference between the distance to Chicago and the distance to Duluth. The great eastern transportation companies have been compelled to arrange matters so that, for northwestern traffic, Duluth may be just as near New York as is Chicago—the two lake ports being put on the same basis of local rates to the west. In traffic this means millions to the producers. Now, I want you to swear that you will not let up until you have taken advantage of this. It is within your reach. The Manitoba and the Eastern Minnesota have made it possible. They are in the hands of broad gauge men. You want to cultivate especially President Minot of the Eastern Minnesota, whom I now name as "The Little Railway Giant,"—only twenty-nine years old, level-headed as a Nestor. I propose that we rise and give him three cheers.

And they were given heartily.

D. G. Cash, Esq., on behalf of the Duluth Board of Trade, said:

I have the pleasure of assuring the people of Sioux Falls of the earnest concern of the Zenith City in the struggle which South Dakota has been making for statehood. We have been proud of her—our big and rugged sister—our favorite—proud of her because she is so fair a type of what has been dubbed the "rowdy west." Proud of her because of her independent common sense. Proud of her because she is going to give her boys and girls an object lesson in patriotism by holding a regular old fashioned Fourth of July celebration. Proud of her because she is a rustler and not afraid to let the world know her advantages and resources. We want you to do business with us, we can do you good.

The speaker then detailed the facilities which Duluth possesses for accommodating the trade of the Northwest. He also drew a parallel between Sioux Falls and the New Jerusalem, giving the queen city the pointer that the vision of St. John on the Isle of Patmos, when he saw the foundation of jasper and chalcedony must have been a revelation of what Sioux Falls can show today. The speaker concluded with expressions of profound appreciation of the courtesies the visitors had received, and begging Sioux Falls to come nearer to them than mere acquaintanceship—to be bound by the ties of a closer relationship.

Mayor Harry B. Wynn spoke for Yankton, as follows:

Yankton appreciates the kindly feeling that Sioux City extends to her, and I assure you the people of Yankton have the most kindly feelings toward the people of Sioux Falls. Her interests were identical with yours, and I trust that we can accomplish ere long the completion of the Manitoba Railroad into Yankton. It is advertised that on the 10th of July the grading of the Yankton and Norfolk Railroad will be let. When that road is built we have only the short link between Sioux Falls and Yankton to connect the Pacific Ocean with Duluth and the great chain of lakes. To our Duluth friends I beg to say that it is with great pleasure we greet you. Yankton has long had her weather eye upon the city at the head of the great chain of lakes. It is to your matchless location that our people have been for years looking for cheap lumber, cheaper coal and salt, as well as for a better market for our surplus grain, beef and pork products. We have for long years realized the fact that your city is 150 miles nearer to us than any other on the great chain of lakes. We also realize that this means to our people vastly cheaper freight rates. It now requires but the building of sixty miles of railroad to connect the Missouri River at Yankton with your great commercial metropolis. Less than one million of dollars will connect your city directly, by rail, with the great valleys of the Missouri and Dakota rivers at Yankton. These two valleys are unsurpassed for productiveness by any country in the northwestern states of equal extent, and the 60,000 agriculturists found in the five counties of Southeastern Dakota, stand ready to furnish your merchants with thousands of cars of grain, beef and pork, seeking a market over the cheapest line of transportation, which they would gladly exchange with you for your money, coal, iron, and salt. We ask your earnest and hearty co-operation in securing the early construction of this sixty miles of road. Shall we have it?

With the remarks of the Yankton representative the occasion closed, Mayor Wynn being assured in the midst of many farewell handshakes that Yankton's claims were very soon to be recognized. The hour had arrived for the Duluth special train to depart, leavetaking was had, and to the martial strains of the Minnesota band, the gentlemen from the lake and intermediate cities were waved a regretful adieu to which they responded with waving of hats, handkerchiefs, and a final salvo of cheers for the queen city and its enterprising people.

The Yankton citizens who accompanied Mayor Wynn were Alderman M. P. Ohlman, Maj. J. R. Hanson, Robert J. Gamble, J. T. Sargent, F. M. O'Brien, Rev. Joseph Ward, Paul Hamann, George F. Atwater, F. J. Kahn, and E. M. Hills.

#### DESTITUTION, CROP FAILURE

During the growing season of 1889 there was a severe drouth affecting large sections of the country west of the Upper Mississippi, and extending across the Dakotas to the mountains. There was not a failure of crops, but the aggregate was greatly lessened by the dry period which in some large sections caused practically a complete failure, and in other large sections also there was a high average of production, and owing to the increased acreage in old and new counties, the total production of wheat, for instance, amounted to about forty-four million bushels, and corn 25,000,000 bushels.

This, however, did not relieve the sections where the blight of drouth was severely felt, and it was generally recognized during the late fall of 1889, that outside help would be needed to carry many of the settlers of the stricken sections through the winter.

The first complaints from Northern Dakota were from Ramsey and Nelson counties, and from Southern Dakota, from Miner and from the Missouri Valley counties above Pierre.

Governor Mellette succeeded in arousing a general interest for the relief of the needy in Miner and adjoining counties, and various civic, social, religious societies as well as towns and cities gathered and shipped supplies to the destitute. At one time it was reported that from two to a half dozen carloads daily were shipped from various points in the state, consisting of food and clothing and fuel supplies, and also seed grain. No contributions were asked for from outside the state except by unauthorized persons. So far as the people had spoken of the matter they had forbidden any appeal in their names to the people of other states, alleging that it was not in the least necessary, and because it might serve to keep intending immigrants away at the very time the Great Sioux Reservation was first opened and about ten million acres of land thrown open to settlement.

The Farmers' Alliance had been quietly aiding the sufferers, but the number of destitute had continued to grow until it got beyond the financial ability of the Alliance to care for it. In this emergency Governor Mellette was appealed to, and before taking any official action he made a personal visit to the scourge stricken sections and the afflicted settlers in December, early, and after quite thoroughly investigating the matter, visited a number of the towns and cities in the southeast, held public meetings, and reported a serious situation that was altogether a surprise to the people.

At Yankton, at a meeting held for the purpose on December 6th, the governor stated that he had come direct from Miner County. That there were 600 families on the list of absolutely destitute in Miner County, and the committee in charge had been very conservative in its enumeration, admitting to aid only those who had nothing upon which to maintain themselves. Many of these people would die, if we did not furnish them relief. It was better to aid them here at home than to go abroad and solicit. The people needed food, coal, clothing, boots, shoes, and would need grain for seed in the spring.

The following day a half carload of miscellaneous supplies was shipped from Yankton to various parties for distribution, and the Honorable Abe Van Osdel loaded a car with corn meal that had been contributed by the local Alliance.

So far as known there were no fatalities as a result of the partial famine nor any outside aid requested. The necessities of those in need were supplied largely by local organizations.



## COUNTIES—WHEN ORGANIZED—AREA

Name	Boundaries Defined	Organized	Square Miles
Aurora	Feb. 22, 1879	Aug. 8, 1881	750
Barnes	Jan. 14, 1875	Aug. 5, 1878	1,725
Beaule	Feb. 22, 1879	July 9, 1880	1,250
Benson	Mar. 9, 1883	Nov. 6, 1883	850
Billings	Feb. 10, 1879	Oct. 25, 1883	1,150
Bon Homme	Apr. 5, 1862	May —, 1862	600
Bottineau	Jan. 4, 1873	May 13, 1881	1,325
Brookings	Apr. 5, 1862	Jan. 13, 1871	875
Brown	Feb. 22, 1879	July 20, 1880	1,735
Brule	Jan. 14, 1875	Sept. 8, 1879	825
Burlingh	Jan. 4, 1873	Apr. —, 1873	1,250
Butte	Mar. 12, 1883	July 11, 1883	1,150
Campbell	Jan. 8, 1873	Nov. 6, 1883	750
Cass	Jan. 4, 1873	Oct. 27, 1873	1,725
Cavalier	Jan. 4, 1873	June 16, 1884	900
Charles Mix	May 8, 1862	Sept. 1, 1879	1,225
Clark	Jan. 8, 1873	Dec. 21, 1880	1,200
Clay	Apr. 10, 1862	Apr. —, 1862	432
Codington	Feb. 15, 1877	July 10, 1878	725
Custer	Jan. 11, 1875	Apr. 3, 1877	1,400
Davison	Jan. 8, 1873	Jan. 15, 1874	432
Day	Feb. 22, 1879	Dec. 5, 1881	1,450
Deuel	Apr. 5, 1862	Apr. 26, 1878	675
Dickey	Mar. 5, 1881	July 1, 1882	1,150
Douglas	Jan. 10, 1873	July 7, 1882	475
Edmunds	Jan. 8, 1873	July 14, 1883	1,150
Emmons	Feb. 10, 1879	Oct. 16, 1883	1,550
Fall River	Mar. 6, 1883	Nov. —, 1884	1,935
Faulk	Jan. 8, 1873	Oct. 25, 1883	1,000
Foster	Jan. 4, 1873	Sept. 27, 1883	1,500
Grand Forks	Jan. 4, 1873	Jan. 12, 1875	1,375
Grant	Jan. 8, 1873	June 5, 1878	750
Gregory	Apr. 5, 1862	Nov. 20, 1880	725
Griggs	Feb. 17, 1881	June 10, 1882	900
Hamlin	Jan. 8, 1873	Aug. 12, 1878	550
Hand	Jan. 8, 1873	July 10, 1882	1,450
Hanson	Jan. 13, 1871	Jan. 13, 1871	440
Hughes	Jan. 8, 1873	Jan. 13, 1871	850
Hutchinson	Apr. 5, 1862	Aug. 1, 1883	850
Hyde	Jan. 8, 1873	Nov. 9, 1883	750
Jerauld	Mar. 9, 1883	Dec. 21, 1880	1,450
Kidder	Jan. 4, 1873	Dec. 13, 1879	875
Kingsbury	Jan. 8, 1873	Oct. 6, 1873	575
Kittson	Apr. 5, 1862	June 29, 1881	850
Lake	Jan. 8, 1873	Apr. 5, 1862	6,000
LaMoure	Jan. 4, 1873	Mar. 5, 1877	2,600
Lawrence	Jan. 11, 1875	Dec. 30, 1867	625
Lincoln	Apr. 5, 1862	Apr. 17, 1884	1,000
Logan	Jan. 4, 1873	May 16, 1878	1,500
McCook	Jan. 8, 1873	Apr. 15, 1884	1,500
McHenry	Jan. 4, 1873	Sept. 25, 1884	1,000
McIntosh	Mar. 9, 1883	Oct. 16, 1883	1,000
McLean	Jan. 8, 1873	Nov. 6, 1883	1,150
McPherson	Jan. 8, 1873	Nov. 6, 1883	1,100
Mercer	Jan. 14, 1875	Nov. 8, 1880	575
Miner	Jan. 8, 1875	Apr. 5, 1862	850
Minnehaha	Apr. 5, 1862	Jan. 4, 1868	850
Moody	Jan. 8, 1873	July —, 1873	575
Morton	Jan. 8, 1873	Feb. 21, 1881	2,700
Nelson	Mar. 9, 1883	May 15, 1883	1,000
Pembina	Jan. 9, 1867	Jan. 9, 1867	1,600
Pennington	Jan. 11, 1875	Mar. 5, 1877	1,500
Potter	Jan. 14, 1875	Nov. 6, 1883	900
Ramsey	Jan. 4, 1873	Feb. —, 1888	925
Ransom	Jan. 4, 1873	Mar. 7, 1881	850
Richland	Jan. 4, 1873	Apr. —, 1873	1,325
Roberts	Mar. 8, 1883	Aug. 1, 1883	1,500



Name	Boundaries Defined	Organized	Square Miles
Rolette .....	Jan. 4, 1873	Nov. 6, 1883	1,325
Sanborn .....	Mar. 9, 1883	June 23, 1883	575
Sargent .....	Mar. 3, 1883	Aug. 1, 1883	800
Spink .....	Jan. 8, 1873	July 22, 1879	1,500
Stark .....	Feb. 10, 1879	May 1, 1883	1,150
Steele .....	Mar. 8, 1883	June 8, 1883	425
Stutsman .....	Jan. 4, 1873	June 20, 1873	2,000
Sully .....	Jan. 8, 1873	Apr. 4, 1883	1,050
Towner .....	Mar. 8, 1883	Nov. 6, 1883	1,100
Traill .....	Jan. 12, 1875	Jan. 12, 1875	850
Turner .....	Jan. 13, 1871	Jan. 13, 1871	650
Union (Cole) .....	Apr. 10, 1862	Apr. 10, 1862	450
Walsh .....	Feb. 18, 1881	July 30, 1881	850
Walworth .....	Jan. 8, 1873	May 5, 1883	725
Wells .....	Feb. 23, 1883	June 25, 1884	1,075
Yankton .....	Apr. 10, 1862	Apr. 10, 1862	550

#### APPOINTMENTS IN 1889

Cyrus J. Fry, of Vermillion, was appointed the first United States marshal of South Dakota in December, 1889, succeeding Marshal Daniel Marratta, who had been in service under Cleveland's appointment.

Solomon Wenzlaff was appointed register of the United States Land Office at Yankton in December, 1889, succeeding Hon. Hughes East. Mr. Wenzlaff was a worthy representative of the German-Russian people, many thousands of them having settled in both Dakotas during the nearly two decades preceding. His father was among the most influential of the pioneer immigrants from Russia in 1873.

A. D. Thomas, of Fargo, a son-in-law of Judge A. H. Barnes, of Fargo, was appointed United States district judge for the District of North Dakota. Hon. M. N. Johnson, who had such a close call for the senatorship, was an applicant for the place.

Col. F. W. Foster, of Frankfort, Spink County, was appointed United States agent of the Yankton Indians in December, 1889.

John D. Lawler, of Mitchell, was appointed territorial treasurer, January 12, 1889, by Governor Church.

A. D. Chase, prominent in the Farmers' Alliance, was appointed one of the railroad commissioners for South Dakota. The other members of the commission were H. J. Rice, of Huron, and John H. King, of Chamberlain. This was one of the state appointments.

John C. Murphy was appointed United States district attorney for Dakota Territory in May, 1889, to succeed John E. Carland, of Bismarck, who had resigned. Mr. Murphy had been assistant attorney for eight years having been appointed by President Garfield in 1881, and continued in office by President Cleveland. He was well qualified for the office.

Charles G. Williams, of Watertown, was appointed by President Harrison register of the Watertown Land Office to succeed Mark W. Sheafe. Mr. Williams held this position prior to the appointment of Mr. Sheafe, having taken it upon his retirement from twelve years' service in Congress as a representative from the Janesville, Wis., congressional district.

James A. Stokes, of Dakota, was appointed receiver of the Grand Forks Land Office in June, 1889.

William McKeesick, of Dakota, was appointed Indian agent at Sisseton Agency in June, 1889.

Hon. J. B. Kelley, of Huron, was appointed assistant United States attorney of Dakota Territory early in June, 1889.

Governor Mellette appointed Johnson Nickeus, of Jamestown, attorney general of the territory, April 16th, to succeed General Templeton.

TABLE OF ALTITUDES IN DAKOTA

Station.	Elevation. Feet.	Station.	Elevation. Feet.
Aberdeen	1,300	Horace Depot	917
Abraham Lincoln, Fort	2,211	Hurler	1,272
Alcester	1,355	Hurler	1,285
Almont	1,834	Hyattsville	1,494
Apple Creek valley	1,711	Jamestown	1,525
Aurora	1,630	Jennings	1,196
Bellevue	2,577	Kanaboska Lake	1,700
Bennett, Fort, signal station	1,449	Kamapeska, Lake, water	1,714
Berkeley	1,805	Kennett	1,922
Berthoud, Fort	1,873	Lambert	1,504
Big Sioux River, water, second cross- ing	1,479	Lambert	1,515
Bismarck	1,668	Lambert	1,518
Bismarck, signal station	1,777	Little Missouri	2,255
Bismarck, Missouri river, low water	1,777	McCook	1,343
Blue Lake	1,695	McKenzie	1,696
Butte	1,645	Madison Lake	1,576
Butte	1,636	Madison	1,544
Butte, Fort	1,649	Maple	983
Butte, Fort, signal station	1,876	Maple	1,177
Butte	1,153	Milbank Junction	1,149
Cadotte	1,555	Minot	1,500
Cadotte	1,525	New Butte	1,200
Canton	1,200	New Madison	1,660
Carlisle	1,440	Oriska	1,240
Casselton	930	Park River	1,003
Cavour	1,311	Parker	1,340
Centerville	1,233	Pembina, signal station	791
Church's Ferry	1,490	Pierre	1,438
Clark	1,785	Preston, Lake	1,696
Clark, Fort	1,827	Randall, Fort	1,245
Clayton Depot	921	Ransom, Fort	1,438
Davis Junction	1,130	Richardton	2,404
Deadwood, signal station	4,630	Rugby	1,595
De Smet	1,726	St. John	1,950
Devils Lake	1,469	Salem	1,517
Dickinson	2,403	Sandborn	1,420
Doland	1,355	Schmidt Butte	2,707
Eden	1,230	Sheyenne River	1,200
Eden	1,510	Sims	1,900
Ellis Point	1,412	Snow Falls	1,387
Ellendale	1,451	South Heart	2,470
Eskelon Lake, station	1,447	Spiritwood	1,477
Esmond	1,430	Steele	1,837
Farview	1,542	Stevenson, Fort, signal station	1,734
Farmington	1,231	Sully, Fort	1,788
Fargo	903	Sully Springs	2,647
Fawn Lake, water	1,320	Tappen	1,700
Hammon	1,550	Teton, Fort	1,480
Frankfort	1,294	Teton, Fort	1,970
Garret	1,484	Valley City	2,218
Grassville	1,178	Valley Springs	1,302
Grand Island	2,346	Vermillion	1,194
Grand Union	2,070	Vilas	1,480
Grandview	1,996	Vinton	1,221
Grafton	820	Wadsworth	1,620
Grand Forks	820	Wadsworth, Fort	1,806
Hawarden	1,182	Wadsworth	1,630
Henry	1,810	Wahpeton	962
Herman	1,654	Waterbury	1,720
Herman, Lake	1,646	Wheatland	988
		Yankton, signal station	1,228

# MAKING TWO STATES

---

## CHAPTER CIV

### EARLY EFFORTS TO ATTAIN STATEHOOD

1877 and Later

TERRITORY NEAR NEIGHBOR TO THE UNITED STATES—IMPORTANCE OF DIVIDING THE TERRITORY—REMARKABLE CONDITIONS ATTENDING THE GROWTH OF THE TERRITORY—THE FIRST STEP FOR STATEHOOD, 1877—SENATOR RAMSEY'S BILL FOR OJIBWAY TERRITORY—NORTHERN ARGUMENT FOR DIVISION—WOMAN SUFFRAGE FOR THE PEBBINA TERRITORY—DELEGATE KIDDER'S GREAT SPEECH—JUDGE BARNES ADVOCATES DIVISION—FIRST GUN FOR STATEHOOD—NORTH AND SOUTH DIVISION PROPOSED—GOVERNOR HOWARD FAVORED THREE STATES—A LEGISLATIVE MEMORIAL FOR DIVISION IN 1879—A NORTHERN WHEAT FARM.

#### ACHIEVING STATEHOOD

The territory is much nearer the United States Government than the state. The citizen of the state comes to the territory and he finds that he is in a new political atmosphere. Heretofore he has regarded the state he resided in as compassing the boundaries of his political horizon. In the territory he comes to regard the whole boundless continent as his political domain. The experience of Dakotans, at least, largely confirmed this view, for he found that his intimate political connections were the President, the Congress, the secretary of the interior, the secretary of war, the commissioner of Indian affairs, the commissioner of the general land office, prominent military officials, and others. The denizen of the territory involuntarily becomes a nationalist. Does some scheming Legislature fracture his dearly-prized exemption law, he flies to Congress and the fracture is made whole; does a railroad bond act need the breath of vitality breathed into it, Congress breathes it. Uncle Sam appoints the principal officers and pays them; Uncle Sam surveys the lands and sells them. The Federal Government is the ruling authority, and hence the citizen of the territory comes to regard himself as a citizen of the United States, and not as a citizen of any particular sub-division thereof. The citizen of the territory has a greater personal interest in the results of the presidential and congressional elections than the citizens of the states. The national policies of the leading parties are scrutinized more closely in the territories, for therein is declared what is in store for him when the new administration is installed. He has no vote in the national contest, but he is ever found carrying a torch and marching in the procession of his party, though disfranchised.

#### STATEHOOD DEBATE

The division of the Territory of Dakota into two equal parts practically, by an east and west boundary, was probably the most important question of our territorial era. Not alone as affecting the people of that present time, but as extending its influence for weal or woe into the future, and it is quite remarkable that there was not more substantial agreement and energetic effort among the

political leaders of the territory in the furtherance of this project. While division was assured in case South Dakota should be admitted, it was morally certain that it could not be obtained in that way, in view of the partisan complexion of Congress; the democrats who would favor division, being almost to a man opposed to statehood at that time, for party reasons.

Statehood, under the circumstances, as Congress was divided, probably could not have been obtained earlier than it came to us, but division was within reach in 1882, and it was beyond doubt that with division accomplished and out of the way, statehood was sure to come just as soon as national party conditions favored it.

#### IMPORTANCE OF DIVISION

The agitation of the subject, and the accomplishment of statehood for Dakota, occupied ten years of time as a national question. It absorbed for a portion of the time almost the entire attention given to public matters, of the people of Dakota, and was a prominent and leading question before Congress for seven years, and in all probability decided the presidential election of 1888 in favor of the republican candidate, which, as a party, favored Dakota's claims.

There was a remarkable amount of immigration, beginning during the year 1878, and continuing with accelerative volume, until 1885-6, never equaled in any country in modern times. During the larger portion of this period Dakota was receiving an average of 1,000 new settlers each week in the year for four or five years, and in 1882-3 it was claimed that we increased 75,000 within a twelve-month. The truth of this matter, when related to the people east, as it was by some of Dakota's stump speakers during the presidential campaigns, sounded so improbable, being without precedent, that speakers were loath to claim all they were entitled to, apprehending that they would be suspected of misrepresentation, and a taint be cast upon their reliability. The annual volume of immigration diminished rapidly with the year 1880, and did not revive. It did not cease entirely, but ceased to be remarkable. The best of the public land had been largely taken up within a reasonably marketable distance of the railroad lines, and the magnet that had attracted the unprecedented immigration of the former years was the abundance and fertility of our public lands. The federal census of 1880, taken in May, gave the territory a population of 135,700. The decennial census of 1885, federal and territorial combined, gave a population of 415,610, an increase in five years of 280,910, or 56,000 a year. Very few of us then residing in the territory realized how rapidly its population was increasing, due in a great measure to the broad extent of the domain that was being peopled. The biennial elections, however, served to assure us that the tide was flowing hither.

Another unerring index of rapid growth in numbers was the increasing demand for the organization of new counties. In 1880 there were six counties organized; in 1881, seven; in 1882, four only (due unquestionably to the neglect of the governor in responding to many applications). In 1883 there were twenty-six counties organized (many of them having applied for organization the year before). In 1884 there was a falling off to six, but at this time there was no delay occasioned by the executive. But few counties remained on the territorial map in an unorganized condition, and these lacked the number of adult resident voters to entitle the county to organization, which had been increased by a new law in 1885, to 150.

In this history of the statehood movement we have given many of the principal incidents attending it during the long time it was pending, but we have not been able to give everything we wished - it would have taken too many pages. But we have endeavored to give all that appeared necessary to a complete understanding of the long contest, the vital questions involved going to the foundations of our liberties; and a large portion of it, we are gratified to say, relates many interesting incidents in the history of the country involving this fundamental question.



It may be said that one of the principal objects the white race have in view in occupying the domain of a territory is the making or forming of states, but naturally enough one hears very little of this purpose, except in Fourth of July orations, until the coming in of population in sufficient numbers gives warrant for claiming it, and in the case of Dakota this accretion of numbers during the first decade and a half, was so very moderate that it was sometimes questioned whether we were standing still or moving either way. As our growth, when it began in 1878, was a marvel of rapid increase, and surpassed any similar event in the history of our country, so may it be said of our tardy growth during these early years, that it had no precedent.

When the clamor for statehood grew loud enough to attract the attention of our neighboring states, it was not generally known that Dakotans desired that the territory be divided and preparations be made for two states, and this misapprehension caused some confusion and some revising of opinions as the situation was better understood. But when it became known that Dakota was four times the size of Ohio, the popular voice was united for division.

No censure is intended, nor would it be justified, of the party that was responsible for Dakota's delay in securing statehood. It was a play for power, nation wide, and while it was easy to discover "the mote in our brother's eye, we gave no attention to the beam in our own." All political parties at home in Dakota, may with truth be said to have been united for division, except intermittently during the Church administration, and in all parties were found a few who opposed it, some with good conscience believing it not to be for the best. "All is well that ends well," and in the light of such experience as statehood has afforded, the two state plan has justified the promise made in its behalf.

The first formal step in the direction of statehood on the part of the people of Dakota was taken at a public meeting at Yankton in April, 1877, but prior to this Dakota's Legislatures and delegates in Congress had been at work agitating the division proposition through memorials and bills, since 1870.

It should be borne in mind that the lower House of Congress had a democratic majority in 1880, and remained so until the expiration of Cleveland's administration in 1889, hence the insurmountable difficulty of procuring any legislation from the House that threatened to weaken that party's control. The Senate at the same time had a republican majority.

#### OJIBWAY TERRITORY

During the Territorial Legislative session of 1870-71, there appeared the first formidable sentiment in favor of dividing the Territory of Dakota on the parallel of the 46th degree of north latitude, the northern portion to be named "Lincoln," or "Chippewa." A memorial to Congress, urging division on this line, and the erection of a new territory north, was passed by an unanimous vote. The Pembina country was the only portion of the northern section that had representation in the Legislature because it was the only section that held a white settlement when the apportionment was made in 1868, and this it had held from the organization of the territory in 1861 with the exception of the years from 1863 to 1867, while the Chippewa Treaty was pending.

The building of the Northern Pacific Railway through the territory in 1872 gave to the northern half immediate commercial and political importance, and intensified the popular desire, throughout the territory, for division. The public men and leading business interests of Minnesota were also heartily in favor of divisions, foreseeing prodigious trade advantages from the settlement of that portion of the territory.

Accordingly, early in January, 1872, United States Senator Ramsey, of Minnesota, introduced a bill in the Senate providing for division on the aforementioned parallel, which divided the territory into two nearly equal sections, giving to each about seventy thousand square miles. Dakota's delegate to Con-

gress at this time was the Hon. Moses K. Armstrong, a very capable man and one of the earliest advocates of division of the territory on the 40th parallel. The bill for division, introduced by Senator Ramsey, in the Senate, was a measure suggested and probably prepared by Mr. Armstrong, but he, being a democrat, felt that as a matter of policy it would be well to have the bill favorably acted upon by the Senate first which would materially promote its passage through the House. This expedient was a favorite one of Dakota's ablest delegates who possessed the good will of some influential senator, and Ramsey, at that time, stood high in the councils of the nation. Mr. Armstrong and his constituents favored the name of Pembina for the new territory north, but Mr. Ramsey was possessed with a sentiment that the name should be Ojibway. He was one of the pioneers of Minnesota, the first state governor, had been engaged as a representative of the United States in making numerous treaties with the Indians, and had learned that the Ojibways were among the first of the powerful and influential tribes to occupy portions of the domain of the Northwest which was to be included in the new territory, and while he was urged by Armstrong to consent to the name of Pembina as the one unanimously desired by Dakotaians, he was willing to concede to Armstrong every article in the bill, but he insisted that the Ojibways were much more entitled to the title than the modern name of Pembina which no one was prepared to vouch for as having a legitimate parentage. 1872 was a presidential election year. President Grant would be a candidate for re-election and it was the general belief that he would be re-elected, and that Congress would remain republican. With these facts in mind, Armstrong being a democrat and also a candidate for re-election concluded to humor the senator, and possibly have the name changed when the bill reached the House.

Whatever Congress might have been willing to do, or to leave undone, it apparently had confidence in the proverb, "let well enough alone," when the quadrennial period approached for selecting a new president.

The southern boundary of Ojibway intersected the western boundary of Minnesota, about eighteen miles south of Breckinridge, Minnesota, on Red River, and crossed the Missouri River about thirty miles south of Fort Rice. The 40th parallel defined its northern limit, and Montana was its boundary line on the west. According to custom the bill was referred to the Committee on Territories, and was favorably reported by Senator Boreman, from the committee, in February following, with an amendment striking out the name "Ojibway," and inserting "Pembina," which indicated that Armstrong had called on Senator Boreman during the interval. It was claimed for the proposed territory that it had a population of 10,000, and it would embrace an area of 70,000 square miles; and further, that the settlers at Pembina were obliged to travel from one thousand to one thousand five hundred miles to reach the capital of Dakota at Yankton.

The bill passed the Senate; Senator Ramsey had satisfied himself that "a rose by any other name would smell as sweet," and he knew that his Minnesota constituents were just as heartily in favor of the proposed division as the people of Dakota. But when the bill came up in the House it met a determined and uncompromising opposition. The arguments, or pretexts for opposing it were mainly that it would entail an unnecessary expense; that the population did not warrant it; and that it was a movement engineered by politicians to provide federal positions for their friends. The measure went to a committee in the House and there slumbered. Being a presidential year, the House members to a certain extent, felt that the passage of such a measure might be used to their detriment in the pending campaign.

The population of the entire territory at the time was about twenty-five thousand, very largely concentrated in the southeastern part of the territory, in Union, Clay, Yankton, Bon Homme, Charles Mix, Lincoln and Minnehaha counties, with a sprinkling of settlers in Hutchinson and Turner counties. There

were 1,213 whites in the Pembina country in the North, as returned by the federal census of 1870; farming settlements having been made in the Valley of the Cheyenne about that time. There was no question that the population of that portion of the territory had rapidly and materially increased and was daily increasing at the time this bill for division was pending in Congress. The building of the railroad employed a large number of white people, a great proportion of whom became citizens of the territory, while a much larger number came in to secure advantageous locations in the agricultural sections and good business openings.

There was no opposition to division from any portion of the territory. On the contrary the proposition was heartily supported by the citizens of the south, who were the first to move in agitating the plan, for in fact there were few if any communities in the proposed new territory, save Pembina, when the efforts for division were first set on foot as early as 1868. The people in the southern portion foresaw, as a consequence of the railway construction in the north, a rapid influx of immigrants to that quarter, with a demand for representation in the Legislature which could not be denied; and also a demand for at least a fair share of the public institutions of the territory, courts, conventions, and a proportionate voice in all territorial affairs. There was a well grounded impression in the south that there never could be any real community of interest between the northern and southern portions—that the northern part would be commercially and socially allied with Minnesota. They foresaw a continual sectional strife and contention that in the nature of the situation would be inevitable and grow more and more acute the longer it was endured; and this forecast of the diversity of interests, spoken by the seers of the south, has proved substantially correct. There was never a protracted period of cordial fellowship and confidence enjoyed by either section for the other. Compromise followed compromise, public institutions were duplicated and established to placate sectional animosities which the natural situation had engendered. Had circumstances moulded the whole into a single state, the people of the southern portion believe it would have been a very unhappy union.

The settlers of the southern part of the territory, up to this time, 1872, had made their way to their new homes over hundreds of miles of prairie, housing in their canvas-covered emigrant wagons; while the pioneers of the northern portion, in large part, were transported to their pioneer domiciles in railway cars, and soon grew impatient at the comparative conservatism of their southern brothers whose ardor for "all the comforts of civilization," had been materially cooled by "circumstances beyond his control." In disunion, in this case, there would have been the greater strength, harmony and prosperity. Disunion finally came with statehood, and the subsequent career of both sections has fully justified the wisdom of separation.

The sentiment for a division of the Territory of Dakota was much more outspoken and decisive among the people of the northern half of the territory than in the southern portion. Not that there was any opposition to the proposed division in any section, but it was a topic seldom discussed among the people of the southern half in the early days of 1873, and for a few years thereafter, which was the period when the northern portion was receiving its pioneer inhabitants, and who appear to have come into the territory with a pre-conceived opinion that an independent political organization was absolutely essential to the progress and prosperity of the country north of the 46th parallel. A little study of the current of events of that day will be sufficient to convince one that the political and commercial interests of Minnesota aided by the influence of the Northern Pacific Railroad were the most powerful influences in awakening and keeping alive the agitation. Minnesota through its senators was able at any time to command the assent of the United States Senate to a division bill, but the House could never be won over.



In 1874, Delegate Armstrong's bill for the organization of the Territory of Pembina from the northern half of Dakota was defeated in the lower House of Congress in June, the majority of the members of the House holding that the northern division would never have sufficient population to entitle it to statehood, and in order to get into the Union in the future and have the advantages of state government, it would have to remain a part of the Territory of Dakota.

In the winter of 1873-74 a petition was generally circulated through the northern portion of the territory, memorializing Congress to divide the territory, while at the same time Senator Ramsey was championing the project in the Senate and Delegate Armstrong was engaged in an up-hill struggle for a similar law in the House. The petition stated that:

Since this proposition was before your honorable bodies at the last session, the Northern Pacific Railroad has been completed to the Missouri River, 200 miles within the limits of this proposed new territory, and the settlement is rapidly being made, not only along the line of the road, but in the valleys of the Red, Cheyenne, James, and Missouri rivers, and within the borders of this proposed new territory there is already a population of at least 7,000, which will be largely increased during the coming year.

The people have no direct communication with Southern Dakota, and but little interest in common with the people thereof.

The proposed new territory is left almost wholly without representation by the Dakota Legislature, and without provision for courts. The distance to the seat of government by the nearest traveled route, from any portion of this proposed new territory, is about seven hundred miles, and from Bismarek, a city of importance nearly equal to the present capital of Dakota, 900 miles.

The soil of the proposed new territory is well adapted to farming, less than twelve per cent of it being waste land, and is rich in mineral wealth.

It not only has 200 miles of completed railroad but has within its borders over two thousand miles of navigable rivers, embracing the Yellowstone, Missouri and Red rivers, with an abundance of timber along their borders.

It possesses, in short, all the elements necessary to build up a prosperous state, and in justice to the people already there, Congress should at once give them a territorial government.

The petition might have been taken as a reflection upon the fairness of the previous Legislature, which was the only one that had been held since the northern half had received the Northern Pacific Railroad and with it the population referred to in the petition. Prior to that time Pembina was the only considerable settlement and had been given all the representation its population would warrant. At the session of 1873-74, a member from Bismarek was admitted from Buffalo County, and from the most reliable data that could be had regarding the population of the four counties then organized north of the 46th parallel, an apportionment of the members of the Legislature was made on the same basis as that applied to the other counties and districts in the territory. As the matter of courts was also referred to in the petition, it is well to state, now that the fact can do no injury to the object prayed for in the petition, that the County of Pembina, in which Fargo was situated at the date of its birth, had had a United States District Court since 1860, and it had not been withdrawn, and in addition to this the following extraordinary proclamation of the governor had been made in 1873, providing two terms of court a year at Bismarek and one at Fargo, and a United States judge was assigned to the district. This explanation is due, in justice, to the elder Dakotians of the southern part of the state, lest the future generations might be led to pass an erroneous and unkind judgment upon their official conduct. The rush into the northern portion of Dakota Territory that accompanied the completion of the Northern Pacific Railroad to Bismarek was similar in every respect to the crowds that surged along the line of the Union Pacific when it was being built through Nebraska and Wyoming, at which time, 1867, Wyoming was a part of Dakota Territory, and from an uninhabited country in 1867 grew to several thousand population during the succeeding year, and cast three or four thousand votes in the delegate



election of 1868. Such anomalies in the rapid increase of population could not have been foreseen, and hence could not have been provided for.

A law was enacted by the Legislature of 1873 organizing the counties of Cass and Burleigh, but no provision was made for holding terms of court in either county, and the early rapid growth of both places in population and business brought with it considerable contention that demanded the interposition of courts of advanced jurisdiction. Chief Justice Peter C. Shannon had been assigned to the northern district immediately after his appointment, and held a term of court at Pembina, but appears to have been without authority to relieve the pressing situation in the principal towns along the line of the new Northern Pacific. In this emergency the governor of the territory, in view of the manifest necessity which existed for local courts, and by virtue of the authority in him vested by the fifteenth section of the organic act of the territory, proclaimed and directed that until otherwise ordered, courts shall be held as follows: "At Fargo on the third Monday of May and the second Tuesday of September, and shall continue as long as business shall require. The District Court for the County of Burleigh to be held at Bismarck on the second Wednesday of June, and shall continue as long as the business shall require." The proclamation was dated October 30, 1873.

#### THE PEMBINA BILL AND WOMAN SUFFRAGE

On May 20, 1874, in the United States Senate, Senator Boreman called up the Senate bill to establish the Territory of Pembina and provide a temporary government therefor.

Senator Sargent then offered an amendment insuring women the right to vote in the new territory on an equality with men, which led to a discussion with the subject of female suffrage as the theme. Mr. Sargent's amendment provided that the right to vote or hold office should not be restricted on account of race, color or sex. He said he believed that the amendment was not only justified, but was required by the organic law of the United States. Numerous petitions had been presented to Congress asking this right for females, and the only notice taken of them was to report adversely. In the other House the republican party is to a certain extent pledged to extend suffrage to females in the territories. To confer upon women the right of suffrage would be to open wide avenues for them, and the advancement of society. Give them an opportunity through the ballot-box and they will break up the nefarious practices now existing, and purify society. The spirit of the constitution would be carried out if women would be allowed to vote. Senator Stewart, of Nevada, favored the amendment also.

Senator Bayard, of Delaware, said it seemed hardly possible that the Senate of the United States proposed such a change in the very fundamental principles of the Government. That such a change as this should be blocked out as an experiment in utter disregard of the decree by which men and women were created could hardly be believed. The sexes were different physically and mentally; yet here was this poor, puny attempt in disregard of every experience of enlightenment as had been given by divine decree. Such legislation was irreverent and in defiance of the laws of God. It would give two heads to a family, and there would no longer be that unity, that subordination required by Christian marriage.

Senator Morton, of Indiana, said he was in favor of the amendment upon what he urged was a fundamental principle of our Government. The Declaration of Independence said that all men were created free and equal. The word men did not mean males, it meant the whole human family. The women of this country had never given their consent to this Government within the theory of the Declaration of Independence. The old common law argument was that the husband took care of the interests of the wife; the father those of daughter,

and son those of the mother. But under common law the husband was a tyrant and a despot. This old doctrine had been overcome and women could hold property now. He believed that woman had the same natural right to a voice in this government that man had.

Senator Flanagan said that he was a new convert to the cause of woman suffrage, and was made a convert by the glorious efforts of the woman's crusade against intemperance. Woman, only, through Almighty God could save the country from the worst of all evils, intemperance. Women could control the country; man could not. They were more directly interested in all questions of morality than the men, and from this time henceforth he intended to be a "woman's man."

Senator Merriman said he did not yield in his admiration of woman to any man, and by no act or word of his would he detract from her dignity, but he claimed the right to be judged together with her as to what means were best calculated to promote her interests. He did not believe that woman herself thought that her happiness or dignity would be advanced by having all the political rights of man conferred upon her. And the strongest evidence of this fact was that neither in this country nor in England had women demanded such rights. The number that had demanded as compared with the number that had not, was but a drop in the ocean. He dissented, with all respect, from the revolutionary construction which the senator from Indiana had put upon the Declaration of Independence, and denied that it meant females as well as males. Senator Stewart said that ten years from now there would not be a man in the Senate opposed to female suffrage.

Senator Merriman asked why not try the experiment in the District of Columbia.

Senator Sargent replied, we will when we get a chance.

Senator Conklin, of New York, said an amendment was in order to this very bill to enforce woman suffrage in the District of Columbia. If his friend Stewart desired to try the experiment in the territory, why not try it as an experiment here? The senator from Nevada ought not to flinch; if he did Conklin could not follow him.

Senator Stewart said he would only ask the senator to follow him in this one little step to have woman suffrage in the new territory. If he broke down there he would never ask him to follow again.

Senator Carpenter, of Wisconsin, said that he would vote for the amendment to confer suffrage upon women in the new territory. He believed that in every condition in life the society of woman was beneficial. In every place where she was found everything was neat and orderly. If our wives, mothers and daughters go to election places there will be decency, order and peace there.

Senator Ferry, of Michigan, favored the amendment.

Senator Anthony, of Rhode Island, said he had no doubt woman suffrage would come in time. He did not believe that suffrage was a woman's right or a man's right. It was not a natural right but a political right regulated by the body politic.

Senator Edmunds, of Vermont, denied that the right to vote was essential to the protection of the natural rights of women. Under the law now in many states they had the right to do as they please with their property. The laws of this country generally discriminated in favor of women.

After further discussion, the Sargent amendment was rejected, yeas, 19; nays, 27, as follows:

Yeas—Messrs. Anthony, Carpenter, Chandler, Conover, Ferry (Michigan), Flanagan, Gilbert, Harvey, Mitchell, Morton, Patterson, Pratt, Sargent, Stewart, Sprague, Tipton, West, Washburn, Windom—19.

Nays—Messrs. Allison, Bayard, Boreman, Boutwell, Buckingham, Clayton, Conklin, Cooper, Davis, Edmunds, Freehuyzen, Hager, Hamilton (Mary

land), Hitchcock, Jones, Kelley, McCreery, Merriman, Morrill (Vermont), Norwood, Ramsey, Ransom, Saulsbury, Scott, Sherman, Wadleigh, Wright—27.

The bill was then rejected, 19 to 29.

#### TERRITORY OF PEMBINA—KIDDER'S BILL

A bill was introduced by Delegate J. P. Kidder, in the House of Representatives, December 17, 1875, to establish the Territory of Pembina, and referred to the Committee on Territories. The text of the bill follows:

That all that part of the Territory of the United States described as follows: Commencing at a point on the Red River of the North where the forty-ninth degree of north latitude crosses the same; thence south along the western boundary line of the State of Minnesota to the seventh standard parallel; thence west along said parallel to the eastern boundary line of the Territory of Montana; thence north along said boundary line to the forty-ninth degree of north latitude; thence eastwardly along said parallel to the place of beginning; be, and the same is, hereby organized into a temporary government, by the name of the Territory of Pembina.

Sec. 2. That the said Territory of Pembina, and the several officers thereof, shall be invested with all the rights, powers and privileges, and shall be subject to all the regulations, restrictions and provisions, contained in Chapter One, of Title Twenty-three of the Revised Statutes of the United States, except as is herein otherwise provided.

Sec. 3. That the legislative power and authority of said territory shall be vested in the governor and Legislative Assembly. The Legislative Assembly shall be vested in a Council and House of Representatives. The Council shall consist of nine members, which may be increased to thirteen, and the House of Representatives shall consist of thirteen members, which may be increased to twenty-seven, provided, that the right of voting and holding office in said territory shall be exercised only by inhabitants thereof, who are citizens of the United States, or have declared their intention to become such.

Sec. 4. That a delegate to the House of Representatives of the United States, to serve during each Congress of the United States, may be elected by the voters of said territory, who shall be entitled to the same rights and privileges as are exercised and enjoyed by the delegates from the several other territories. Provided, that no person shall be a delegate who shall not have attained to the age of twenty-five years.

Sec. 5. That when the land in said territory shall be surveyed under the direction of the Government of the United States, preparatory to bringing the same into market, sections sixteen and thirty-six in each township in said territory shall be, and the same are hereby, reserved for the purpose of being applied to schools in the state or states hereafter to be erected out of the same.

Sec. 6. That the President of the United States, by and with the consent of the Senate, shall be, and he is hereby authorized, to appoint a surveyor-general for the said territory, who shall locate his office at such place as the secretary of the interior shall, from time to time, direct; and whose duties, powers, obligations, responsibilities, compensation, and allowances for clerk hire, office rent, fuel, and incidental expenses, shall be the same as those of the Territory of Dakota.

In support of this measure Delegate Kidder stated:

The people of the territory were unanimous in desiring such division; saying that the two sections were virtually separated anyway, and there could be no harmony of interests on account of the lack of communication and travel between the northern and southern parts. The principal objection urged against division in Congress is, that there are not enough inhabitants to make it advisable; but this objection can be refuted by showing the facts and figures. Dakota has now between forty thousand and fifty thousand inhabitants, of whom about fifteen thousand reside in the northern half, which it is proposed shall form the Pembina Territory. There are many instances where territories have been formed in sections more sparsely settled, so that I do not consider that a valid objection. There is, however, another objection that has been raised, which is the extra expense of running another territory, where one now suffices. But there are two sides to this question. Remarkable as the statement may seem, it actually costs more now to defray the expenses of the one territory than it would if it were divided into two parts for this reason: the distances between the two sections are very great, and the means of communication so limited that it renders the court and other expenses of the territory enormous, saying nothing of the expenses to citizens of the territory that are required to visit the capital or transact business in the southern half. When I was judge, I have traveled, myself, 1,500 miles to reach Pembina from my home in Vermillion in order to attend court. Then there is the mileage of witnesses and jurors, so that, considering everything, it would be much cheaper to run two territorial governments. We are compelled to go around from Yankton, by way of St.



Paul, and oftentimes the witnesses, jurors, and marshals are obliged to travel 700 and 800 miles. The expenses of running the present territorial government would seem to an outsider as if something was wrong, but those acquainted with the condition of affairs can readily see where the necessity exists for such great expenditures, and that the expense of having two territories would be less than at present. I have no doubt that division will eventually be secured, though it may not come at this session. It is claimed that the democratic congressmen will object because it will afford the President a chance to appoint a few more federal officers, and just at this time some of the politicians who favor their party is just going in and the other just going out, may deem it unwise to allow the President the slightest increase of opportunities for making appointments. This may influence some, but I think the democrats will be honest enough and fair enough not to allow this to interfere if they deem the plan a meritorious one in other respects.

#### TO OPEN THE BLACK HILLS

In relation to the opening of the Black Hills to settlement by white people—that proposition is also of the first importance to the people of the territory for the reason that the greater part of the hills lie within the boundaries of the territory, and the people have been working for some time to get them opened up, but the principal obstacle seems to be the Indians and what to do with them, for they claim to own the country. Something, however, will have to be done that will open that section to the whites for they can no longer be held back from taking possession.

I think the best way is to take the hills and grant the Sioux Indians in return an annuity, and in that way purchase the country from them. The Indians do not use it even for hunting and the sentiment of the country is overwhelming in favor of the whites occupying it. I believe the treaty of 1868, under which the Indians claim ownership of the hills was not legally made. I am confident that there are certain technicalities which render it legally justifiable to take the Black Hills from them. I do not wish at this time to enter into all the particulars of these, but it is a plain legal proposition, and one that can be sustained, I believe; and yet I would not have the Indians taken advantage of on account of these mere technicalities. I want to see them fairly treated; but they will have to lose the Black Hills, and it only remains to decide how they can best be helped in their efforts to be self-supporting. But I expect that at this session of Congress the matter will be disposed of in some way, and the opening of the Black Hills will be agreed upon. It is a problem that interests the whole Northwest, and is too important to be longer delayed.

#### PEMBINA TERRITORY—DELEGATE KIDDER'S SPEECH

When the Pembina bill No. 357 was favorably reported from the committee, late in the session, July, 1876, Mr. Kidder supported it in an able speech remarkable for its historical value. The speech follows:

Mr. Speaker:—Never in the history of this Government has the attention of the people been so profoundly awakened to the interests of its frontiers. The terrible news from the Black Hills country, the slaughter of a major general, five colonels, twenty-two commissioned officers, and over three hundred gallant soldiers, has almost stopped pulsation in the American heart. Historians will pause in writing of this epoch in our history and tremble as they attempt to record the horrible story. *Fiat justitia coelum ruat*. It is at this eventful period of our national history that I now ask the earnest consideration of Congress to this bill. A bill for this purpose has been before Congress for five years, and it has been reported favorably by the Senate Committee on Territories three times. The consideration of this bill at this moment presents an opportunity not to be neglected by one careful of the welfare of his country and mindful of the perpetuity of its institutions. Encroachments upon the outposts are always vigilantly repulsed by the skillful commander, and are no less the study of the thoughtful statesman. Had wise warnings from distinguished senators and representatives from our West been heeded, the disasters of this day, bringing shame burning to the cheek of each member of this republic, would not have occurred. Instead of prairies running to waste, great territories would be in existence, and in place of scalping savages, a brotherhood of Americans. It is said that some unknown hand many years ago carved on a rock at Plymouth near where the Pilgrims landed, these lines:

"The eastern Nations fade, their glory ends;  
The empire rises where the Sun descends."

The sentiment was but a paraphrase of Bishop Berkeley's line, which has been quoted so often as to become hackneyed:

"Westward the course of empire takes its way."

The gift of prophecy is given to few among mortals, and it is doubtful if the good bishop or the unknown carver on the granite cliff realized the idea.



We at this later day, standing in the centennial year of this great republic, may feel its force but not realize the power that this nation shall possess when the vast area west of the Mississippi shall be thronged by the multitudes which its fertile soil and mighty stores of the precious metals have "awaited through the centuries." The founders of this republic dreamed not of the brilliant future that awaited their descendants. When Boston was first laid out commissioners were appointed, so says the record, to make a road to the West. In due time they reported that they had marked out a road westward for six miles, which was as far "as ever would be required."

Even in 1803, when the purchase of the great Territory of Louisiana was under discussion, the territory that then stretched from the Mississippi River to the Pacific Ocean, the statesmen of the infant republic seem to have been in doubt whether the lands beyond the Mississippi would ever be of value to us. Those who read the debates in Congress on that point will find that it was asserted on this floor that our settlements would not be extended beyond the Mississippi River in perhaps five hundred years.

Our political history is most beautifully illustrated by the following facts:

**Organization of territories.**—The territory of the United States, outside of the portion occupied by the original thirteen states, consisted in 1787 of the "territory northwest of the River Ohio," which extended west to the Mississippi; in 1799, of the above and "territory south of the River Ohio"; in 1797 to 1812, besides the above, the "Mississippi territory"; in 1803, besides the above, the "Province of Louisiana," which extended from the Gulf of Mexico and the Mississippi River to the Pacific Ocean in the Northwest; in 1819, besides the above, the several "Spanish cessions," Florida; in 1848, besides the above, the several "Mexican cessions," extending west to the Pacific; and in 1853, in addition, the Gadsden Purchase, south of the last before named. These with Alaska, purchased of Russia in 1867, were never organized with governments, but from time to time territorial or state forms were given to portions of them.

Indiana, formed as a territory from the territory northwest of Ohio, act of May 7, 1800.

By act of March 26, 1804, the "Province of Louisiana" was divided into the "Territory of Orleans," and the "District of Louisiana." The government of the latter was committed to the officers of the Territory of Indiana. By act of March 3, 1805, the District of Louisiana was organized as the Territory of Louisiana; and by act of June 4, 1812, the same was reorganized as Territory of Missouri.

Michigan, by act of January 11, 1805, was formed as a territory from the Territory of Indiana.

Illinois, by act of February 3, 1809, was formed as a territory from the Territory of Indiana.

Alabama, by act of March 3, 1817, was formed as a territory from the Territory of Mississippi.

Arkansas, by act of March 2, 1819, formed as Arkansas Territory from the Territory of Missouri.

Florida, by act of March 30, 1822, formed as a territory from the territory ceded by Spain.

The Indian Territory or country is not an organized political division of the United States.

Wisconsin, by act of April 30, 1836, formed as territory out of lands acquired by treaty with Great Britain and the French cession.

Iowa, by act of June 12, 1838, formed as a territory from the Territory of Wisconsin.

Oregon, by act of August 14, 1848, formed as a territory out of the French cession.

Minnesota, by act of March 3, 1849, formed as a territory out of land east of the Mississippi ceded by Great Britain.

Utah, by act of September 9, 1850, formed as a territory ceded by Mexico.

New Mexico, by act of September 9, 1850, formed as a territory out of land ceded by Mexico.

Washington, by act of March 2, 1853, formed as a territory from the Territory of Oregon.

Kansas, by act of May 30, 1854, formed as a territory out of the original Louisiana purchase.

Nebraska, by act of May 30, 1854, formed from the territory of the original Louisiana purchase.

Colorado, by act of February 28, 1862, formed as a territory from the Territory of Kansas.

Nevada, by act of March 2, 1851, formed as a territory from parts of California and Utah.

Dakota, by act of March 2, 1861, formed as a territory from a part of the original Territory of Nebraska, and all the Territory of Minnesota remaining after the erection of the State of Minnesota.

Arizona, by act of February 24, 1863, formed from the western part of the Territory of New Mexico.

Idaho, by act of March 3, 1863, formed as a territory. It had been contained in the territories of Oregon, Washington, Nebraska, Dakota, Utah, and has had Montana taken from it.

Montana, by act of May 26, 1864, formed as a territory from the northwestern part of Idaho.

Wyoming, by act of July 25, 1868, formed as a territory from portions of Utah, Dakota and Idaho.

Alaska (not a political division) ceded by Russia in 1868.

**Statement of Facts.**—The Territory of Dakota contains 150,832 square miles. Pembina will contain 72,930 square miles. It will extend from the 7th standard parallel, which is about eleven miles south of the 49th degree, to the British possessions and from the Red River of the North to the Yellowstone. It has within its borders 600 miles on the Missouri, and over three hundred miles on the Yellowstone, and in all over two thousand miles of navigable rivers. Two lines of steamers ply regularly on the Red River and fleets of flat-boats run in connection with the Manitoba traffic. Five lines of steamers are operating on the Missouri, with a tonnage of several million pounds. A line of steamers is also intended to be put on the Yellowstone this season if Congress will permit the opening of the Yellowstone region. Already 200 miles of railroad are in operation in the proposed territory, and arrangements for extension across the territory have been made. Other roads are also projected, particularly the Chicago and Northwestern, which is already completed to Lake Kampeska and will terminate probably at Bismarck. The population of the proposed territory is not less than 12,000, and I am confident that it will soon largely exceed that number. The vote of that region in 1874 was over fifteen hundred, but there were many localities where no polls were opened, and the country being sparsely settled many had no opportunity for voting. The population is largely made up of farmers and in all parts of the territory farming operations are being carried on successfully. No country in the world is superior to the Red River country for agricultural purposes. Enormous crops of wheat, oats and corn are there produced. The wheat crop of the Red River the present season will not be less than half a million bushels. One man there has 10,000 acres growing in one field at the present time; others have respectively a thousand and more; very many have the usual number, 160 acres, and so on down.

The Red River is well timbered, and many streams, also well timbered, empty into it, while heavy bodies of timber are found on the Cheyenne and its tributaries. The James (Dakota) River, having less timber, is well adapted to agriculture, and is already settling rapidly. Thousands will find valuable locations along its waters, affording timber, water and the best prairie land I have ever seen. Between the Dakota and Missouri River coteaus will be found, and they consist largely of gravelly knolls, and while even here much valuable land is found, there is a disposition to condemn the whole country because these are within its borders. They are but thirty miles in length and the breadth of the territory is 400. The country west of the Missouri River, in the main, is better than that east of it, excepting, perhaps, the Red River Valley, which cannot be excelled for beauty and richness anywhere. It is watered by the Heart, Little Heart, Sweetwater, Little Missouri, Cannon Ball, Dancing Bear, Big Knife and scores of tributaries of these streams, all more or less timbered, while heavy bodies of cottonwood, oak, ash and elm are found on the Missouri.

The Bad Lands, of which much has been said, are extremely limited, and are represented in the beds of old streams, the bottoms of lakes, or at points where alkaline deposits have accumulated. In the proposed territory, at the point where crossed by the Northern Pacific Railroad, they are but five miles in extent instead of covering half the territory, as some have represented. East of the Missouri there is not a foot of these bad lands. The entire territory is well adapted to grazing; nutritious grasses grow luxuriantly and good water is found in abundance. Immense beds of gypsum and coal are found on the Missouri, and west of the Missouri gold and silver, the former within a few miles of Bismarck.

The Black Hills country is situated south of Pembina, but the mineral region extends north and west, and already exceedingly rich diggings have been found on the line of the North Pacific.

This portion of Dakota is isolated from the southern portion of the territory, and has but little communication with it, and there is but little common sympathy between the two sections.

Northern Dakota seems to be identified in interest with Minnesota and Wisconsin, Duluth and Milwaukee being its lake ports; while Southern Dakota is identified with Nebraska and Iowa, Chicago being its market.

Persons desiring to reach Yankton, the capital of Dakota, from Northern Dakota, except during a few months in summer, are forced to go by way of St. Paul and Sioux City, Iowa, traveling a thousand miles or more, as there is no communication between the two except a military road leading up the Missouri. And in cases of deep snow, when the roads leading south through Minnesota are blockaded, the trip is frequently made via Chicago. The members of the Legislature from Northern Dakota in 1873 actually drew and were entitled to it mileage from Bismarck to Yankton via Chicago, a distance of about sixteen hundred miles. In summer time, even by the rivers, from the settlements in Pembina to the capital of Dakota the distance is from 800 to 1,250 miles. Justice has been defeated in many instances because parties were not able to pursue their adversary to the capital of the territory. The expenses of the United States officers and witnesses traveling to and from the capital are immense and in this item alone much can be saved to apply toward the extra expenses of the new territory.

We have many precedents of the organization of the territories before us with a less population than this has. Mississippi was organized with a population of 8,850; Indiana, 5,041; Michigan, 4,000; Wisconsin, 7,000; Minnesota, 6,077; Washington, 1,201; Dakota, 4,837; Nebraska, 6,857; Arizona, 5,000; and Wyoming two years after its organization (1870) had a population of only 9,518. The average annual expenses of a territorial government of the United States are \$27,463.84. Each has biennial sessions. Every other year, then, the expense is only about half this sum. Land offices are located at Fargo and Bismarck; United States courts are holden at Pembina, Fargo and Bismarck; and four daily newspapers are published in the contemplated territory.

The development and growth of this territory under an organization will tend to add greatly to the wealth of the Government, and in a few years its emigration will be thereby so much increased, and the expenses thereof will be so effectually eclipsed by gain that this Government of ours, in a pecuniary point of view, will be the winner in the transaction. The careful attention of the people of our land is now directed to that portion of the West where property and life are so insecure by reason of the conduct of the Sioux Indians and their affiliated bands. It behooves this Congress especially to meet promptly and firmly the demands coming in every direction from west of the Mississippi. The days of appeal are past, the moment for action has arrived, and I claim in behalf of the people I represent in the very heart of the troubles and dangers, such action on this bill as will guarantee to the settlers future security. How can we ask emigrants to expose themselves to the manifold horrors and dangers of our frontier unless we present to them some guarantee of protection? Treaty guarantees have proven false and a deception and the only trusty anchor of hope is the establishment of territorial governments, and none is at present before you but this of Pembina. The territory established, this fertile section would soon be developed, the land occupied by sturdy sons of toil, its many miles of navigable waters would be covered by fast-sailing vessels and steamboats; villages, towns and cities would spring into existence, presenting obstacles to Indian forays more insuperable than cavalry or infantry; capital would be employed in finishing the railroads already established and commenced, linking the far West to the East "in links stronger than steel." Time forbids me more than to allude to the wonderful geographical barrier known as the Couteau des Prairies, which separates the proposed Pembina from Southern Dakota, a natural plateau starting at the Missouri River and extending to the extreme western boundary, presenting a southern face from 500 to 1,500 feet in height, and which can only be overcome by the intrepid voyageur or by long detours of travelers, costing, for members of the Legislature, judges, witnesses, and others who from official duties are compelled to visit Yankton, the capital, nearly as much annually as the expenses of the proposed territory. The fertility of the country is known to those who have visited it. The proposed territory is well wooded; and under the security of a territorial government the day is not distant when searchers for health and pleasure will seek the salubrious climate and health-giving springs of the territory of Pembina instead of foreign climes, and braving the dangers and miseries of a tempestuous ocean.

Congress has just added Colorado, a brilliant star, to the constellation of states. Again let her entwine the centennial wreath around the crest of a new territory, and Pembina, in a few short years, will be added to that gorgeous cluster as one of the brightest jewels which now so magnificently adorn the American Union.

#### JUDGE A. H. BARNES SPEAKS FOR DIVISION

During the height of the strenuous efforts which the leading people of Dakota were making for a division of the territory, Judge A. H. Barnes, then presiding judge of the Third Judicial District, residing at Fargo, attended the winter term of the Supreme Court which was held at Yankton in December, 1875, and while there was invited to give his views on the subject of division. He spoke substantially as follows:

The people of the Northern Dakota want a division of the territory because they are so far remote from Southern Dakota that they do not feel any identity of interest; they have more population than Southern Dakota had when the territory was organized, and more than Michigan or Wisconsin at the time of their organization. They have a good agricultural country, a railroad running from the Red River to the Missouri River, with two flourishing, prosperous towns. Bismarck at the west end of the railroad must be a large commercial center, surrounded by a fair agricultural country. Fargo at the head of navigation on the Red River is a very prosperous town and in one of the best agricultural countries in the world. No country can produce better wheat or more of it to the acre. The same is true for 250 miles up and down the valley of the Red River. This valley is from 40 to 70 miles in width. Most of the land bordering on the river and streams tributary has already been preempted by settlers. The farms are generally quite large and farmers are quite prosperous though not rich. They have raised good crops and comparatively speaking are out of debt.



Grand Forks, seventy-five miles north of Fargo on Red River, is a very flourishing town. Pembina, the oldest town in the territory, within the past year appears to have started anew. There has been more actual settlement in the town and vicinity this year than in ten years before.

There are other reasons why a division of the territory is desirable. As we are now circumstanced, while the actual airline distance is but 300 to 400 miles from Yankton, the capital of the territory, to Bismarck or Fargo, practically we are 1,000 miles apart. To illustrate the inconvenience that our people are put to, persons having business in the Supreme Court, where the amounts involved are \$500 or \$600, might better lose the amount in controversy than to incur the expense of visiting the capital. Aside from this, if a separate territorial government was established, emigrants would flock there in greater numbers and the country would be more rapidly occupied.

The Northern Pacific Railroad at no distant day must be built through to the Pacific; but whether immediately built or not, the business upon the line of that road will from this time forward make it a good paying enterprise, and its new western terminus at Bismarck will be the commercial point and the depot for Northwestern Dakota and Montana. The amount of business now transacted there is the wonder and surprise of strangers visiting that point.

The tonnage on the Red River of the North from Fargo to Fort Garry is enormous. A fleet of twelve steamers is employed in the Red River carrying trade, and more are now being built.

As the case now stands Northern Dakota feels that she is unknown, neglected, and that her wants are not appreciated. A little appropriation of from \$50,000 to \$80,000 expended on the Red River rapids, would give us sufficient water for uninterrupted navigation from April to November. This becomes more important every day, and as the country is settled along the river the amount of river business will continue to increase. If eastern representatives in Congress could fully realize what a vast amount of good would be done to that country by a small appropriation, it seems to me they would not hesitate a moment to vote for it.

#### THE FIRST STATEHOOD GEN.

The proposition to organize a state out of the southern half of the territory was among the novelties mooted in the early months of 1877. The recent entrance of the Black Hills with its 10,000 population which was rapidly augmenting, within the ceded area, awakened a strong interest in this question, which did not abate, but gradually grew more potential as time passed; and culminated over a decade later in the admission of two states at the same time, both carved from the territory which had held them together in one political organization for twenty-eight years; a connection which the people of the territory had been vainly endeavoring to dissolve for nearly twenty years, but were held together by the strong eastern sentiment which was apprehensive of the growing power of the West by the increase of its states and its increasing representation in the United States Senate. The industrial and financial conditions of the two sections—the East and West—had begun to clash, disagreements were discovered on economic questions—and because of this there was a desire east to encourage the admission of large states. Dakota, as a whole, could have been admitted much earlier, by nearly a decade, had it asked for admission; and it will be recalled that Ordway, who was sent from New Hampshire to be governor of the territory in 1881, was a strenuous advocate of one state for the whole territory.

The first public movement in behalf of statehood took place at Yankton, the capital, at a mass meeting which was held in 1877, in response to a call which is copied, following:

The undersigned citizens of Yankton County request that all persons favorable to the formation of a state government and the early admission of Dakota into the Union, will meet at the school house in Yankton, Thursday evening, April 19, 1877, at 8 o'clock.

Signed by

A. J. Faulk  
L. Congleton  
C. C. Moody  
Geo. H. Hand  
Oliver Shannon  
J. A. Potter  
Vol. II—40

C. J. B. Harris  
W. H. H. Beadle  
M. Grady  
George Wagner  
Jared Boughton  
J. W. Bramble

Frank Bem  
Ephraim Miner  
Wm. Tripp  
Phil K. Faulk  
J. B. Wymmn  
Wm. Blatt



Samuel Vance  
H. C. Ash  
W. A. Burleigh  
C. E. Brooks  
C. A. Baxter  
J. J. Duffack  
Wm. Box  
E. C. Dudley  
G. H. Bangs  
Wm. Leeper  
John Peterson  
H. Carney  
E. A. Edwards  
N. Edmunds  
Bartlett Tripp  
S. L. Spink  
William Pound  
N. J. Cramer  
Rev. J. A. Potter  
A. W. Howard  
Jacob Brauch  
C. W. Cox  
Joseph Bader  
John Treadway  
P. H. Risling

Joseph Peir  
Martin Christopher  
G. W. Kingsbury  
John Lawrence  
Charles Eiseman  
M. A. Baker  
E. V. Derickson  
A. W. Lavender  
C. Broderson  
A. M. English  
M. M. Parmer  
Geo. N. Jenkins  
Ed. Higbee  
G. W. Roberts  
E. H. VanAntwerp  
H. F. Jenks  
F. L. VanTassel  
D. T. Bramble  
M. P. Ohlman  
Rev. M. Hoyt  
J. H. Burdick  
Lott S. Bayliss  
W. S. Bowen  
P. A. Dufour

B. S. Williams  
Leon Bernard  
Benj. Hart  
Henry Heidenreich  
A. Adler  
A. Zimlicka  
C. P. Edmunds  
Alexander Hughes  
J. C. McVay  
H. B. Wynn  
H. Buerdorf  
Fred Schnauber  
Joseph S. Praye  
J. G. Bauman  
W. F. Eldridge  
H. A. Calhoun  
Arthur B. Ancher  
L. M. Purdy  
Geo. E. Hawley  
M. H. Jenkinson  
James Noonan  
T. N. Bray  
John J. Thompson  
F. J. Dewitt

The proceedings of the meeting held pursuant to the call are next in order:

#### NON-PARTISAN STATEHOOD MEETING—THE INITIATIVE

Pursuant to published call a number of citizens assembled at the courthouse, in Yankton, Dakota Territory, on Thursday evening, April 19, 1877, for the purpose of discussing the feasibility and desirability of a state government for Dakota.

The meeting was called to order by Andrew Burleigh, whereupon Oliver Shannon, Esq., nominated Capt. C. E. Brooks, as chairman of the meeting, who was duly elected, and thereupon took the chair. The chair returned thanks for the honor conferred, and after a concise statement of the object of the meeting, S. H. Gruber, Esq., nominated G. W. Kingsbury for secretary of the meeting, who was duly elected. Oliver Shannon, Esq., then moved the appointment of a committee on resolutions, which motion being adopted, the chair appointed Messrs. W. H. H. Beadle, Oliver Shannon, Esq., and T. A. Kingsbury, as such committee; and the committee then retired to prepare its report.

The chair then stated that remarks would be in order, and Phil K. Faulk, Esq., being called upon, made an earnest address in favor of the state government, which was well received.

The Committee on Resolutions, through General Beadle, then made the following report:

Mr. Chairman, your Committee on Resolutions beg leave to submit the following report and ask its adoption:

Resolved, That in this period of reviving enterprise and returning prosperity throughout the land, we have a guarantee of the continuance and increase of the great advance upon which Dakota has now fairly entered; and as this assurance of a bright future is based upon undoubted, vast and enduring resources of varied and valuable kinds, we deem this the opportune occasion and favorable conditions for Dakota to assume the responsibilities and dignity of a state, and be admitted into the Union; and we set forth and declare these facts to the people of the country and to the Congress of the United States:

First. The Territory of Dakota has now been organized sixteen years, and several other territories have since been carved out of its organized boundaries. But beginning with hardly more than an Indian trading post and a small area of ceded lands, and surrounded by vast bands of hostile savages and devastated by their raids in its earlier years, it has gone forward steadily and with an ever increasing ratio of progress until now a large part of the domain is open to settlement or already occupied and productively improved. A vigorous enterprise is developing all the newer parts and it has not less than

seventy-five thousand inhabitants, which number is now being increased by many hundreds every day.

Second. There are now over one hundred and fifty thousand square miles of area, but every reason of justice, interest and good policy demands that the northern half should be erected into a new territory without delay, leaving nearly nine tenths of the population in the southern half, which would contain all the older settlements; a vast, settled and organized country, filled with intelligent, active and law-abiding people, with established institutions and codes of laws not surpassed by many of the older states, where schools and churches and all the advantages of organized society are secure and of the best character.

Third. The State of Dakota thus formed would include every element of material prosperity and all the resources which render good government certain, and secure the peace, protection and general welfare of society. The eastern half is a vast region of unsurpassed fertility and offering great advantages for agriculture and stock raising, while the western half supplements this with its many resources, but especially its abundance of the precious metals, of which but a sample has been shown, but which gives undoubted evidence of almost unexampled development for an unlimited time to come. Through the center of the proposed state passes the great Missouri River, now the highway of a rich and increasing commerce.

Fourth. There is every reason, geographical, political, topographical, legal, commercial, and in the best permanent interests of all its people and the general welfare of the nation, why the southern half of Dakota should be admitted as a State. It would not increase the burdens of the people, but would give self-government in fact, in place of the present temporary and anomalous system which we have outgrown. All others in the same tier of subdivisions west of the Mississippi are already states, and the uniform history of the nation has justified the steadfast faith of all our people in the confidence that when the present conditions should arrive Southern Dakota should become a state. The western border of the proposed state is the same meridian as that of Nebraska, and Dakota would not be so long east and west as that state and not longer than Kansas, while all experience and analogy prove that, like those, our territory should be divided east and west upon the natural lines of commerce. All the present advantages would remain and the slight apparent disadvantages would quickly disappear. With this natural, just and reasonable division and action a new and prosperous state can be created at once, the wealth and resources of each part become a blessing to all, and a great and civilized commonwealth be built up in these boundaries; while any other and unnatural division, based upon temporary and fleeting ideas of expediency, would limit vastly the natural enterprise of all efforts and prevent either, for a long period, if not permanently, from enjoying the advantages of state organization.

Resolved, That we believe finally the best and enduring interests of every part of Southern Dakota are to be found in this movement, and hailing all who are engaged in exploring and building up our goodly land, we invite and urge them to join with us in pushing forward this common and vital interest to a speedy realization.

WM. H. H. BEADLE, Chairman,  
OLIVER SHANNON,  
T. A. KINGSBURY, Committee.

The resolutions were received with much enthusiasm, and on motion were unanimously adopted. The following letter was then presented by Andrew F. Burleigh, and read by the secretary:

Vermillion, Dakota, April 18, 1877.

Andrew F. Burleigh, Esq.

Dear Sir:—Yours of the 15th instant is received, and replying thereto I have this to say, I intend to attend the meeting at your city tomorrow evening, and shall unless I am prevented by business engagements. If I am not there, and inquiry is made of my judgment in the premises, say to the meeting that I am in favor of a new state government and the early admission of Dakota into the Union; and as her delegate in Congress will employ all honorable means at my command to obtain that result.

Respectfully,

J. P. KIMBER

General Beadle then spoke on the subject of statehood, presenting the subject in a very clear and forcible manner, and exhibiting the varied and important advantages to be derived from the change.

Gen. William Tripp, one of the earliest settlers and first lawyers in the territory, spoke in favor of the project. Oliver Shannon spoke eloquently. P. A. Dufour spoke very sensibly. S. H. Gruber spoke earnestly. The question of the appointment of a committee was then discussed. George H. Hand was then called for and made a very earnest and sensible speech. The meeting then adjourned until the next Monday evening.

The following Monday evening, April 23d, pursuant to adjournment, the citizens of Yankton assembled in the courthouse at 8 o'clock P. M., whereupon Capt. C. E. Brooks, chairman of the meeting, called the citizens to order. S. A. Boyles was then elected secretary of the meeting. Mr. Andrew F. Burleigh then offered the following resolution, which was adopted:

Resolved, That the chairman of this meeting appoint a committee of five to select and report the names of seven persons to act as an executive committee for advancing the purposes of this movement; and to prepare a memorial to Congress, to obtain signatures thereto, and forward the same to Washington, and to do all other things proper to secure the cooperation of all parts of the proposed state.

The chairman thereupon appointed the committee. The committee thus formed then retired for consultation; and after some time spent therein, reported the following through Governor Edmunds:

Mr. Chairman:—Your committee appointed to select an executive committee under the resolution of Mr. Burleigh beg leave to submit and recommend the following as such committee: Gen. W. H. H. Beadle, Geo. W. Kingsbury, Andrew F. Burleigh, Oliver Shannon, C. E. Brooks, Fred Schnauber and Geo. H. Hand.

The report was adopted.

Governor Pennington presented the following resolution, which was adopted:

Resolved, That the citizens of the various organized counties of the Dakota Territory are cordially solicited to organize local societies for the purpose of promoting the cause of statehood by disseminating information respecting its advantages, and that said societies are respectfully invited to cooperate with the one now organized in Yankton County.

Interesting and instructive remarks were then made by Chief Justice Shannon, Governor Pennington, Bartlett Tripp, Esq., Governor Edmunds, Dr. J. M. Miller, Col. G. C. Moody, Judge Lott M. Bayless, and General Beadle.

On motion the meeting then adjourned subject to the call of the executive committee.

#### A LONGITUDINAL DIVISION PROPOSED

The Territory of Lincoln was the name given to a proposed new political division of the Territory of Dakota by United States Senator Saunders, of Nebraska, in 1877, who introduced a bill for the division of Dakota along the line of the 100th meridian of longitude west from Greenwich. The bill was stoutly urged by its Nebraska paternity, and no less vehemently championed by Senator Chaffee, of Colorado, the new state that had been admitted to the Union in 1876. The sentiment among the people of the northern portion of the Black Hills was favorable to the measure, influenced largely by the ambition of Deadwood to become a territorial capital. Chaffee's support of the bill was secured because of his personal friendship for a large number of old ex-Coloradans, business and professional men and miners from that state, who had emigrated to the Dakota gold fields to better their material condition. The important argument put forth in support of the measure at Washington claimed that under the existing order in Dakota, the agricultural interest largely dominated the territory, controlled the Legislature, and was not in sympathy with or disposed to enact measures that would best promote the material interests and domestic welfare of the mineral section—that there was some sort of an ineradicable barrier that stood in the way of the mineral section procuring such legislation as would best promote its interests.

The division line along the 100th meridian would divide Dakota into two badly proportioned territories, with no natural boundary between them. Each division would be about four hundred miles in length north and south, and 200 miles east and west. The Missouri River would flow through Lincoln Territory until it



reached a point on the lower Brule Indian reserve, south of Pierre, where it would cross into Dakota. Pierre had no inhabitants at that time, and Hughes County was not organized. Bismarck, which was within the confines of the proposed Lincoln Territory, was occupied by an energetic people who, if correctly represented by its able delegation sent to Washington to promote the division, claimed that Bismarck would be the capital of the new territory. The Red River valley inhabitants, including Fargo, raised a powerful voice against such division, having been among the earnest supporters of the proposed division on the 46th parallel of north latitude.

For a time the Saunders project seemed to have some show of success, and excited not a little consternation among the peoples of Eastern Dakota, where the settlers had been unitedly working for many years to secure a division of the territory on east and west line along the 46th parallel. The success of the Saunders measure would upset all that had been done in that direction, and would probably stand in the way of a division when the time came for statehood. Public meetings were held at different points and the hostile sentiment of the settlers found expression in resolutions and remonstrances, which were forwarded to the territorial delegate, Judge Kidder, who was safely hostile to the measure and made a very able presentation to Congress of the reasons why the Saunders bill would operate injuriously not alone to Dakota, but to the entire Northwest. The great Sioux Reservation that had been given to Indians under the treaty by which they relinquished the Black Hills covered substantially all the plains country west of the Missouri between the Missouri and the two branches of the Cheyenne and extending from the southern boundary of the territory to the Cannon Ball River, and there was every reason to believe that the region so set apart for the 25,000 Sioux would remain their permanent home. The Saunders bill would have divided the reservation, leaving the southeastern portion with its agencies in Dakota—the larger portion going to Lincoln. This would have complicated the management of these people who were at the time taking their first steps toward a civilized and industrious life. There were other objections that operated upon the congressional mind, sufficient altogether to outweigh the plausible arguments of Senator Saunders and Senator Chaffee, and the complaints made by the ambitious people of Deadwood; and the Saunders bill finally went down to defeat.

#### GOVERNOR HOWARD FAVORED THREE STATES

In August, 1878, the governor of Dakota received a request from the secretary of the interior at Washington, requesting the governor to furnish the department with certain facts and information regarding Dakota. From the general tenor of the letter from the Interior Department, it was evident that a new and important interest had been awakened in the minds of leading Government officials regarding the territory, which was receiving notable accessions to her population at the time.

The governor's reply suggests, by inference, that the question of Dakota's statehood was being considered in official circles, and it was already being agitated in the Dakota newspapers—the Deadwood Times in the west espousing it, and Eastern Dakota journals favoring it. Dakota had gained not far from fifty thousand population in the last two years—rather over than under that number—as shown by the increase of the popular vote, which was about eight thousand in 1876, and in 1878 at the election held in November nearly twenty thousand, indicating a population of one hundred thousand. There was no lull in the number of immigrants coming in, but rather an increase, which induced the belief that by 1880, two years hence, by which time a constitution could be framed and adopted, the territory would have a population of 175,000, many more than was required at that time to entitle a state to a member of the House of Representatives.

The first bill proposing statehood for Dakota was introduced in the House in January, 1879, by Delegate Kidder. It proposed to admit the whole terri-



tory as one state. This was followed a few days later by Senator Sargent of California, who introduced a Senate bill to enable Dakota to become a state. The proceedings of Congress do not show that either of these measures were reported from the committees to which they were referred.

The governor's report, considered with reference to statehood, was not favorable to the admission of Dakota as one state, but would seem to favor three divisions, and his presentation of the conditions and diversity of interests existing in Dakota, may have deterred the secretary of the interior from making any recommendation for a change in the political status of the territory, in his annual report the following December.

Public opinion in the territory was decidedly in favor of two states by dividing the territory on the 46th parallel of latitude. However, the governor's report was timely and interesting as showing existing conditions, and is hereto appended:

#### Executive Office, Dakota Territory

Yankton, December 16, 1878.

Sir:—Referring to your letter of the 9th of August last, I beg leave respectfully to report upon the topics suggested, so far as I have been able to obtain the desired information.

The Territory of Dakota is very large, being nearly 400 miles square, or more than four times as large as the State of Ohio. The settlements are principally confined to three distinct localities as remote from each other as possible, and of very difficult and expensive communication with each other.

The settlements of Southeastern Dakota, in which is located the present capital, extend from Northeastern Nebraska mainly in a northern direction up the Big Sioux, the Vermillion, and the James rivers. These settlements are extending north along the border of Northwestern Iowa and Southwestern Minnesota, as far as Lake Kampeska, and as far west as the James River. Although the population is sparse at present, it is rapidly filling up. Southeastern Dakota has a population at the present time of not less than 50,000 and probably 60,000.

Northern Dakota is settled, or rather settling, along the west bank of the Red River of the North, from Richland County, opposite Breckinridge down to Pembina, on the line of the British possessions, crossing the Northern Pacific Railroad at Fargo, and extending west along the line of that road to Bismarck. Population of Northern Dakota, perhaps, 40,000.

The other settlement is in the Black Hills, occupied mainly by a mining population, and containing a population at the present time of 10,000 at least, and probably 12,000.

I suppose it is about 350 miles in a straight line from Yankton to Deadwood. But the only feasible way of getting there, involves travel of at least 900 miles, and an expense greater than a journey from Yankton to Washington, and requiring more time to perform it. The distance from Yankton to Pembina, as the "crow flies," is at least 400 miles, and requires more time and expense than a visit to the capital of the nation.

The three sections are not only remote from each other and of difficult access, but their interests are separate and not identical.

In a commercial point of view, St. Paul and Duluth are the objective points of Northern Dakota, while Chicago and Milwaukee will naturally drain Southeastern Dakota. Meanwhile the vast wealth of the Black Hills will swing to the right or left as it may best force itself out, or as railroad enterprise may open a more direct way over which it can move.

The great Indian reservation west of the Missouri River contains 56,000 square miles, about the size of all Michigan, including both peninsulas. Of course this will prevent settlement, and tend to turn the business of the Black Hills to the south or north of itself.

Dakota has no public buildings, no military organization, and no arms. There really seems about the same necessity for three territorial governments as there is for one. But as population increases they will soon mingle and blend, and the means of direct intercommunication will naturally follow.

Answering more directly your inquiries, I may say:

First. The resources of this territory are both agricultural and mineral, and of vast extent, only partially developed as yet, but enough has been done to demonstrate the fact that Dakota, considering her vast extent of territory, has agricultural resources scarcely second to those of any state in the Union. Dakota has on the east side of the Missouri River at least 60,000 square miles of land fit for the plow. It is believed that at least fifteen million bushels of wheat will be produced next year.

I have been unable to obtain reliable statistics of the mineral resources of the Black Hills. Enough is known to warrant the statement that the mineral resources are very great. Recent discoveries more than confirm the most sanguine expectations. The spirit of wild speculation that characterized the mad rush that resulted in so much disappointment, suffering, insanity and crime, has given place to well directed efforts, guided by experience and

skill, and sustained by capital. I regret that I am not able, even at this late day, to furnish statistics. I think I should be more apt to find them in Washington or New York, or in California where many of the best mines are owned, than in Yankton.

Second. The soil is generally prairie. The rivers are bordered or skirted with timber. Building stone and coal are found in various places. The climate is a fair average for its latitude, although generally milder than the same latitudes farther east, drier, and more exposed to wind from the want of timber. Our population is generally estimated at 120,000. It is safe to say it is at least 100,000.

Third. The interest our people take in educational, benevolent and charitable institutions is at least equal to that of any country, as new as this, with whom I am acquainted. The people highly appreciate the magnificent appropriation made by Congress for the benefit of schools, and I believe there will be a disposition to preserve this intact, that posterity may share it to the latest generations.

We have no insane asylum. We have twenty-five lunatics, kept at the asylums of Minnesota and Nebraska at an annual expense of about \$300 each, besides a large expense for transportation. Even this cannot be had longer than until February. We are now building a pavilion or temporary hospital so as to bring them home. All neighboring hospitals are full of patients of their own. We have no penitentiary. Our convicts are kept at Detroit at a very heavy expense for transportation and keeping. The management of the convicts is humane and satisfactory, but the expense for transportation and keeping is a very heavy burden and rapidly increasing. In this way the two items of expense for insane and convicts have absorbed nearly all our territorial revenue, and left a floating debt in the shape of territorial warrants, of about \$20,000. The construction of a territorial prison and insane asylum seems to be the only means of avoiding future bankruptcy.

Fourth. The territorial Legislature consists at present of thirteen councilmen and twenty-six representatives. The apportionment is based on population as near as may be. In the absence of a census the population is estimated on the number of votes cast. The Legislature meets on the second Tuesday of January, at which session a new apportionment will be made to conform to the recent act of Congress.

Fifth. I have no data with which to answer the fifth inquiry; but would respectfully refer you to the Indian bureau for the desired information as to the tribes, number, condition, etc., but I judge, from what I have seen, the Indians are making some progress in industry and civilization. As I firmly believe, if that good time shall ever come when the Government shall cease to violate any Indian treaty in the letter or spirit, and shall be able to restrain all white men from encroaching upon the rights of the red man, we shall then have had our last Indian war.

Respectfully,

WM. A. HOWARD,  
Governor Dakota Territory.

Hon. C. Schurz, Secretary of the Interior.

#### A LEGISLATIVE MEMORIAL FOR DIVISION

The Hon. J. Q. Burbank, of Richland County, who represented the Seventh District in the House of Representatives of the Territorial Legislature of 1879, was the author of, and introduced a memorial to Congress advocating the division of the territory, and opposing the "one state" proposition. The memorial received the unanimous approval of the legislative bodies, but it is evident that a copy of it had not reached Dakota's delegate in Congress, Hon. J. P. Kidder, for early in the same month he introduced his bill to provide for the admission of Dakota Territory into the Union as one state. The delegate, however, may have had a purpose in mind to test the sentiment of Congress on the question of admission. The session of Congress would expire by limitation within less than two months which would afford little opportunity for the passage of a bill of such importance, and Judge Kidder's term as delegate would expire at the same time. Representative Burbank's memorial is here given:

To the Senate and House of Representatives of the United States, from the Legislative Assembly of Dakota Territory:

Your Memorialists, the Legislative Assembly of Dakota Territory, respectfully pray your honorable bodies for the early erection of a new territory of the northern half of Dakota, bounded as follows:

Commencing at the point on the eastern boundary where the north line of the Sisseton Indian Reservation intersects the same; thence along said line to the northwest corner of said reservation; thence southerly along the west line of said reservation to the point where the seventh standard parallel intersects the same; hence west along said standard parallel to the middle of the Missouri River; thence up and along the middle line of the main channel of said river to the 40th parallel of north latitude; thence west along said parallel to the

western boundary of Dakota; thence north upon the 27th meridian west from Washington to the 49th parallel of north latitude; thence east along said 49th parallel of north latitude to the northwestern corner of the State of Minnesota; and thence south and along said boundary to the place of beginning.

The said division line as above described, conforms nearly to the 46th parallel of north latitude, but it is upon a line already surveyed, established and marked, and will not require the survey of another line. This line would leave all of said Indian reservation within one jurisdiction, the surveys within which do not conform to the public land surveys.

We further respectfully show that our present area is over one hundred and fifty thousand square miles, too vast for convenience, and already causing us great expense. The communities are widely separated and hold diverse relations. Intercommunication is slow and expensive. A trip from the capital to any point in Northern Dakota, requires the time and cost of a trip to Washington City. It is as far from the southeast corner of Dakota to the northeast corner as from Cairo, Illinois, to the Gulf of Mobile; from the south line of Tennessee to near Chicago, Illinois, or from Washington City to beyond the northern line of the State of New York. We have no hope for direct lines of intercommunication as all the projected routes are east and west lines, and we are compelled to journey through St. Paul, Minnesota.

These facts render official administration slow and difficult; put the government out of reach of many of its citizens for all but extraordinary occasions, render it difficult for any but the most wealthy litigants to reach our Supreme Court with appeals, practically making the lower courts those of last as well as first resort. It is difficult to manage our school system, and the care of prisoners and insane becomes a heavy burden because of the long distances for travel and transportation. In many ways these difficulties practically deny many large communities the favor and benefits of the government they should have.

It is found practically impossible also to adjust our code of uniform laws to the various wants of our citizens, and all these causes operate to irritate and vex the citizens of remote localities, and render impossible the growth of a general public spirit and regard for the welfare of the whole body of the people. No common interests are felt, and there is no commonwealth receiving the fealty of all.

We further respectfully show that this condition has long existed. It has grown in cost and difficulty as our settlements have expanded, and no scheme to avoid it can be suggested because it exists in the barriers of nature, and is made worse by all commercial and other relations. These are now rapidly developing, and promise soon to so exaggerate the burden as to compel, so far as is legally possible, the subdivision of our institutions between the two sections, or their duplication for each.

The same causes, steadily increasing, will render statehood for the whole, obnoxious to all, and we respectfully protest against any acts toward the admission of Dakota as a state with its present boundaries. We pray a division, that the full blessings of harmonious local government may be vouchsafed to all parts, as they have been to other parts and territories of the United States.

#### A DAKOTA PIONEER WHEAT FARM

Governor Howard visited the City of New York early in April, 1879. During his stay he gave the New York Tribune some instruction regarding the Dakota realm that reflected his views concerning the substantial resources of the territory and the general character of the people. The Tribune was a staunch friend of the territory and omitted no opportunity to speak an encouraging word in its behalf. From Governor Howard it gleaned the material for the following interesting and reliable story:

Governor Howard, of Dakota Territory, is in the city, stopping at the Windsor Hotel. Detroit was his old home, and he represented that district in Congress twenty years ago. He has been at the head of the Dakota government less than two years, but gained an acquaintance with the territory before as a director of the Northern Pacific Railroad. He speaks enthusiastically of the resources and recent growth of Northern and Southeastern Dakota. The western or Black Hills portion he has not seen, a journey thither being a great deal more formidable an undertaking than a trip from Yankton, the capital, to New York.

"The immigration to the region around Yankton and to the country along the Northern Pacific Road has been enormous during the past year," said the governor to a reporter for the Tribune. "I believe that our population has been increased fully 50,000. People in the East are beginning to find out that we have the finest wheat lands that the sun ever shone upon."

Replying to a question as to the present population of the territory, the governor said: "I should say, at a single guess, 150,000. You know we have three distinct sections widely separated from each other by a vast Indian reservation, larger than the State of New York. In the southeastern section I think there are 90,000 people. In Northern Dakota



40,000, and in the Black Hills 15,000. These sections are entirely distinct geographically, have no interests in common, and ought not to be united under one government. Thus the Legislature is a curious jumble of jealousies and conflicting interests."

His questioner suggested that if his estimate as to population was correct, Dakota had a sufficient number of people to entitle her to statehood, to which the governor replied: "Yes, but we do not want to be admitted. The matter was talked over recently and public opinion was estimated to be strongly against a state organization. What is needed is a division into three territories. Two of the three will grow up into states within the next five years. The area of Dakota is 150,000 square miles. About equal to New York, Pennsylvania, Ohio and Indiana. Nearly a third of it is included in the Big Sioux Indian Reservation."

Then the interviewer asked, "Where are the fine wheat lands you spoke of," to which the governor made this reply: "I might almost say everywhere in Eastern and Northern Dakota. They are of immense extent—beautiful rolling prairies and rich valleys. Our spring wheat makes the best flour in the world, worth \$2 a barrel more than St. Louis flour. To show you the profit there is in raising wheat in Dakota, let me tell you the experience of General Cass, of the Northern Pacific Road. He had a lot of bonds of the road that were convertible into land, and he turned them into a tract of 10,000 acres. A year ago last summer he had 4,000 acres broken up at a cost of \$3 an acre. He let it lie until the following March and then had it plowed and sown in wheat. You can plow in February in Dakota because the land freezes dry. Well, by the time he had bought horses, plows, reapers and threshing machines, and paid for his labor and seed, his investment, including the cost of his land, amounted to about \$50,000. A tornado destroyed a portion of his crop, but he harvested an average of 25 bushels to the acre for all the land sown. He shipped the wheat to New York by way of Duluth, and got money enough to pay all expenses and return him the cost of the land. A single crop gave him his magnificent domain of 10,000 acres, with all the stock and improvements he had put upon it. We are just finding out where the true wheat region of the continent is. Before many years, one-half of all the wheat grown in America will be produced north of the 43d parallel."

The day will come when the great wheat domains of Dakota will be carved into smaller farms. The generation that abided when Cass and Dalrymple flourished, will have been succeeded by others whose information has been gleaned from grandsire's stories, and even these will be wanting in many interesting particulars when sifted through a very few generations. Therefore, it has been deemed allowable to quote a brief item from the Bismarck Tribune of the 5th of April, 1870, which will serve to perpetuate reliable information regarding the magnificent proportions of some of Dakota's great wheat estates in the pioneer era. The item states that—

C. A. Hays, for Joseph Clarke, a Pittsburgh millionaire, has commenced breaking for a big farm at 17th siding (Clarke). He will break four sections this season. The estate of Mr. Clarke comprises 65,000 acres. That is greater than a farm 100 miles long by one mile wide. If it were in that shape it would extend from Bismarck to Jamestown. Think of a furrow around a farm 200 miles in circumference.



## CHAPTER CV

### NUMEROUS DAKOTA LOBBY URGES CONGRESS FOR DIVISION

1879-82

DELEGATE KIDDER'S ONE-STATE BILL—NORTHERN GRAND JURY PRESENTS A BILL FOR DIVISION—DELEGATE BENNETT'S BILL FOR ONE STATE AND DIVISION—THE NORTHERN SENTIMENT FAVORS THE SEVENTH STANDARD DIVISION LINE—GOVERNOR ORDWAY'S IDEA—DELEGATE PETTIGREW'S POSITION, 1881—SIX SEPARATE BILLS IN CONGRESS FOR DIVIDING DAKOTA—PETTIGREW'S ADMISSION BILL—ORDWAY'S CONVENTION AT FARGO—PETTIGREW'S PEMBINA BILL—CITIZENS' CONVENTION AT CANTON—DIVISION AND STATEHOOD MEETINGS IN NORTH DAKOTA, BLACK HILLS AND SOUTHERN DAKOTA—LARGE DELEGATIONS SENT TO WASHINGTON TO LOBBY FOR THE TERRITORY.

#### DELEGATE KIDDER'S BILL FOR ONE STATE

In January, 1879, Dakota's delegate to Congress, Hon. Jefferson P. Kidder, introduced in the House of Representatives a bill to provide for the admission of the Territory of Dakota into the Union, as one state. Here follows the full text of the measure:

A bill to enable the people of Dakota to form a constitution and state government, and for the admission of the said state into the Union on an equal footing with the original states.

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That the inhabitants of the Territory of Dakota included in the boundaries hereinafter designated, be, and they are hereby, authorized to form for themselves out of said territory a state government, with the name of the State of Dakota, which state when formed shall be admitted into the Union upon an equal footing with the original states in all respects whatsoever, as hereinafter provided.

Section 2. That said State of Dakota shall consist of all the territory within the following boundaries, to-wit: Commencing at a point in the main channel of the Red River of the North, where the 49th degree of north latitude crosses the same; thence up the main channel of the river and along the boundary line of the State of Minnesota, to Big Stone Lake; thence south along the boundary line of the State of Minnesota to the Iowa line; thence along the boundary line of the State of Iowa to the point of intersection between the Big Sioux and Missouri rivers; thence up the Missouri River and along the line of the State of Nebraska to the mouth of the Niobrara or Running Water River; thence following up the same in the middle of the main channel thereof, to the mouth of the Keha Paha or Turtle Hill River; thence up said river to the 43d parallel of north latitude; thence due west to the boundary of the Territory of Wyoming; thence north along the boundary line of the Territory of Wyoming and the boundary line of the Territory of Montana, to the 49th degree of north latitude; thence east along said degree to the place of beginning.

Sec. 3. That all persons residing in said proposed state, qualified by law to vote for representatives to the General Assembly of said territory, at the date of the passage of this act, shall be qualified to be elected, and they are hereby authorized to vote for and to choose representatives, to form a Convention, under such rules and regulations as the governor of said territory, the chief justice, and the United States attorney thereof may prescribe; and also to vote upon the acceptance or rejection of such constitution as may be formed by said Convention under such rules and regulations as such Convention may prescribe; and the aforesaid representatives to form such Convention shall be apportioned among the several counties in said territory in proportion to the vote polled in each of said counties at the last general election, as near as may be; and said apportionment shall be made for said territory by the governor, United States attorney and chief justice thereof, or any two of them; and the governor of said territory shall, by proclamation, order said election of the representatives aforesaid, to be held throughout the territory at such time as shall be fixed by the governor, chief justice and United States attorney or any two of them; which proclamation

shall be issued within ninety days from the passage of this act, and at least thirty days prior to the time of said election, and such election shall be conducted in the same manner as is prescribed by the laws of said territory regulating elections therein for members of the House of Representatives, and the number of members in said Convention shall be the same as now constitutes both branches of the Legislature of the aforesaid territory.

Sec. 4. That the meeting of the Convention thus elected shall be first organized in said territory, on a day to be fixed by said governor, chief justice and United States attorney, not more than sixty days subsequent to the day of election, which time of meeting shall be contained in the aforesaid proclamation mentioned in the third section of this act, and, after organization, shall declare, on behalf of the people of said territory, that they adopt the Constitution of the United States; whereupon the said convention shall be, and is hereby authorized to form a constitution and state government for said territory; Provided, That the Constitution shall be republican in form, and make no distinction in civil or political rights on account of race or color, except Indians not taxed, and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence; And Provided further, That said convention shall provide, by an ordinance irrevocable without the consent of the United States and the people of said state; first, that perfect toleration of religious sentiment shall be secured, and no inhabitant of said state shall ever be molested, in person or property, on account of his or her mode of religious worship, secondly, that the people inhabiting said territory do agree and declare that they intend to claim all right and title to the unappropriated public lands and to all lands held or owned by any Indian or Indian tribes within the title thereto shall have been extinguished by the United States, lying within said territory, and that the same shall be at the sole and entire disposition of the United States, and that the lands belonging to the citizens of the United States residing within said state shall never be taxed higher than the lands belonging to residents thereof, and that no taxes shall be imposed by the state on lands or property therein, belonging to, or which may hereafter be purchased by the United States.

Sec. 5. That in case a constitution and state government shall be formed for the people of said Territory of Dakota, in compliance with the provision of this act, said convention forming the same shall provide, by ordinance, for submitting said constitution to the people of said state for their ratification or rejection, at an election, to be held at such time and at such places and under such regulations as may be prescribed by said convention, at which election the lawful voters of said new state shall vote directly for or against the proposed constitution, and the returns of said election shall be made to the acting governor of the territory, who with the chief justice and United States attorney of said territory, or any two of them, shall canvass the same, and if a majority of said votes shall be cast for said constitution in said proposed state, the said acting governor shall certify the same to the President of the United States, together with a copy of said constitution and ordinances, whereupon it shall be the duty of the President of the United States to issue his proclamation declaring the said state admitted into the Union on an equal footing with the original states, without any further action whatever on the part of Congress.

Sec. 6. That until the next general census, said state shall be entitled to one representative in the House of Representatives of the United States, which representative, together with the governor and other state officers provided for in said constitution, shall be elected on a day subsequent to the adoption of the constitution, and to be fixed by said Constitutional Convention, and until said state officers are elected and qualified under the provisions of the constitution, the territorial officers shall continue to discharge the duties of their respective offices.

Sec. 7. That sections numbered sixteen and thirty-six in every township, and where such sections have been sold or otherwise disposed of by any act of Congress, other lands equivalent thereto, in legal subdivisions of not more than one quarter section, and as contiguous as may be, are hereby granted to said state for the support of common schools.

Sec. 8. That, provided the State of Dakota shall be admitted into the Union in accordance with the foregoing provisions of this act, fifty entire sections of the unappropriated lands within said state, to be selected and located by direction of the Board of Commissioners, prior to the first day of January, 1882, shall be, and are hereby granted, in legal subdivisions of not less than one quarter section, to said state, for the purpose of erecting public buildings at the capital of said state for legislative and judicial purposes, in such manner as the Legislature shall prescribe.

Sec. 9. That fifty other entire sections of land as aforesaid, and to be selected and located as aforesaid, in legal subdivisions as aforesaid, shall be, and are hereby granted, to said state, for the purpose of erecting a suitable building for a penitentiary or state prison in the manner aforesaid.

Sec. 10. That seventy-two other sections of land shall be set apart and reserved for the use and support of a state university, to be selected in manner aforesaid, and to be appropriated and applied as the legislature of said state may prescribe, for the purpose named, and for no other purpose.

Sec. 11. That all salt springs within said state, not exceeding twelve in number, with six sections of land adjoining, or as contiguous as may be to each, shall be granted to said state for its use, the said land to be selected by the governor of said state within two years

after the admission of the state, and when so selected to be used and disposed of on such terms, conditions and regulations as the Legislature shall direct; Provided, That no salt spring or lands the right whereof is now vested in any individual or individuals, or which hereafter shall be confirmed or adjudged to any individual or individuals, shall by this act be granted to said state.

Sec. 12. That 5 per centum of the proceeds of the sales of public lands lying within said state, which have been or shall be sold by the United States prior or subsequent to the admission of said state into the Union, after deducting all the expenses incident to the same, shall be paid to the said state for the purpose of making such internal improvements within said state as the Legislature thereof may direct.

Sec. 13. That the eighth section of the Act of Congress, entitled, "An Act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights," approved the fourth day of September, 1841, shall be and is hereby declared applicable to the State of Dakota, when admitted into the Union as herein provided.

Sec. 14. That any balance of the appropriations for Legislative expenses of said Territory of Dakota, remaining unexpended, shall be applied to and used for defraying the expenses of the said convention, and for the payment of the members thereof, under the same rules and regulations and rates as are now provided by law for the payment of the Territorial Legislature.

Sec. 15. That the two sections of land in each township hereby granted in each township for the support of common schools shall be disposed of only at public sale and at a price not less than two dollars and fifty cents per acre, the proceeds to constitute a permanent school fund, the interest of which is to be expended in the support of common schools.

This bill was referred to its appropriate committee, but was not reported, and Judge Kidder's term as delegate expired in March following. There was very little sentiment in the territory in favor of the admission of Dakota as one state, which would have been manifested in the defeat of the foregoing enabling act had it passed Congress.

#### A NORTHERN GRAND JURY PRESENTS DIVISION

The Black Hills were opened and added about fifteen thousand to the population of the territory within two or three years following 1876. The north had also increased its population, and from that date there were encouraging indications that the territory would be divided. The sentiment in Dakota was unanimous for it. As an evidence that the sentiment in favor of a division of the territory was generally shared by the inhabitants of the northern portion and that it was furthermore looked upon as a matter of paramount importance, an unusual incident connected therewith took place at Fargo during a session of the United States District Court for the Third Judicial District, which included all of the present State of North Dakota. Whether the grand inquisition was moved by a lack of material for the more legitimate purposes it was assembled for, does not matter. That the members of the body, assembled from all parts of the wide district, were united in sentiment for a division of the territory on the 46th parallel, was at the time of considerable importance. Near the close of its session its members made a presentment to the court in the following form:

The United States of America, Territory of Dakota, Third Judicial District, December term, 1880.

We, the grand jury of said court, having been duly empanelled, sworn and charged, in session this 20th day of December, A. D., 1880, respectfully present to said court as follows:

1. That your grand jury, having been summoned from all portions of Northern Dakota, which comprises the Third Judicial District of said territory, may consequently be considered a representative body, and in that capacity would present that it is the almost unanimous opinion of the citizens of said district that the territory is too large for economical or satisfactory government, and their earnest wish is that it be separated from that portion of the territory lying south of the seventh standard parallel and erected into a separate government; that dividing line being suggested on account of its not interfering with or intersecting any counties or townships in the present system of surveys, and would give to said district a tract of fertile land larger than the State of New York, to wit: 75,000 square miles, capable of sustaining many millions of an agricultural and manufacturing community, with an invigorating and healthy climate, and a soil better adapted to raising wheat and other cereals than any other part of the great northwestern wheat zone; in fact, it has all the physical features to make it, in the near future, a wealthy, prosperous and populous state.



2. The climate and soil of Northern Dakota differ materially from those of the southern portion of the territory, the former being more immediately adapted to the growth of wheat and the smaller grains; the latter to grain and other land products. The territory is intersected by a large tract of unsettled country, mostly Indian lands, crossed only by Indian trails and wagon or cart tracks. The people of the two sections have little or no interests in common. They have no social or mercantile relations, nor should they be forced together politically. The southern sections find markets in Chicago and St. Louis, their outlet being east and south. The northern finds an immediate market in St. Paul and Minneapolis, and has a shipping port at Duluth. As matters now stand it is easier and less expensive to reach the Capital of the United States than that of the territory.

3. The rapidly increasing growth of Northern Dakota makes it reasonable to suppose that it will soon ask for admission into the Union as a state, and it is considered expedient to take immediate steps for the establishment of prisons, asylums, educational and reformatory institutions, and save the enormous expense now incurred in sending our convicts, unfortunates, and children, for a higher education, to the states, as we are now forced to do. The time has come when the hardy, intelligent, thrifty citizens of Northern Dakota should be allowed to frame their own laws and to lay the foundations of these educational and charitable institutions which are the pride of the American people and the envy of the civilized world, and not be subservient or checked in these worthy aspirations to a more densely settled portion of the territory, with which they have no social, business or political sympathies.

4. We present the following statistics as an additional argument in favor of separate government, showing that Northern Dakota has all the facilities necessary for its own management, and to insure prosperity. It has 1,400 miles of navigable and navigated streams; 50 miles of railroad in operation, with others being rapidly constructed; about forty thousand inhabitants; 3,382,347 acres of Government land have been entered in the land offices at Fargo, Bismarck, and Grand Forks, since their establishment, in addition to the large quantities which have been sold. Our Grand Trunk Line of railroad—the Northern Pacific—passes through the territory from east to west, north of the proposed dividing line. Other lines are reaching through and into the territory from the south, and east, and there is the rapidly increasing traffic resulting from its immense production of wheat and other grains.

5. That the citizens of that portion lying north of the seventh standard parallel have no desire for the admission as a state at present, they being satisfied with the present form of territorial government and the efficiency and integrity of the federal appointments.

6. That any arbitrary legislation erecting the whole territory into a state, or dividing it on any other line than that indicated, or giving it any other name than that of North Dakota, would, beside being contrary to the spirit of republican legislation, which is and should be made by the people who are arbiters of their own destinies, cause great dissatisfaction. The name of North Dakota is suggested, as the name of Dakota is so well known throughout the world as a country wonderfully fertile and peculiarly adapted to the raising of immense crops of wheat and other grain, that any other name might lead to divert or check immigration, which is now pouring in from all parts of the world.

Finally, your grand jury would respectfully request that a certified copy of this presentment, under the seal of the court, be forwarded to the Hon. G. G. Bennett, territorial delegate to Congress, with a view to strengthen his hands in any legislation he may ask for in the premises.

Geo. H. Ellsbury, T. J. Wilder, B. G. Wood, J. S. Plants, Ed E. Ohmer, E. V. McKnight, W. E. Rolph, J. C. White, G. H. Sanborn, J. W. Morrow, Valentine Schreck, Willoughby Clark, Peter Wilson, Jacob Lowell, Sr., A. W. Edwards, Jas. R. Winslow, P. V. M. Raymond, *Grand Jurors.*

H. J. Campbell, *U. S. Attorney.*

#### BENNETT'S STATE BILL. THE 7TH STANDARD

One of the important and most numerously attended assemblings of the people of the territory, particularly the northern portion, was held at Bismarck, in December, 1880, to consider the division question, on which occasion division and statchood, and the bill which had been introduced in Congress by Delegate Bennett, was endorsed without dissent.

Hon. Granville C. Bennett, the delegate to Congress from Dakota, from 1870 to 1881, introduced in the House, on the 13th of December, 1880, a bill to enable the people of Dakota to form a constitution and state government, and for the admission of the state into the Union on an equal footing with the original states.

This bill was a verbatim copy of the bill introduced by Delegate Kidder, who preceded Bennett, in 1870, except that the former bill provided that the state



should include the entire Territory of Dakota, while Bennett's bill prescribed the following boundaries for the new state:

Commencing at a point on the west line of the State of Minnesota where the 46th degree of north latitude intersects the same; then south along the west boundary line of the State of Minnesota and to a point of intersection between the Big Sioux and Missouri rivers; thence up the Missouri River and along the north line of the State of Nebraska to the east boundary line of the Territory of Wyoming; thence north along the east boundaries of Wyoming and Montana to the 46th degree of north latitude; thence east along said 46th degree of north latitude to the place of beginning.

#### DIVISION BOUNDARY

The boundary line between South Dakota and its northern sister (which it was then proposed to call Pembina) was fixed in Delegate Bennett's bill as the 46th parallel of north latitude; but an objection was raised to this boundary at a public meeting of North Dakota people held on the 5th of December, 1880, at Fargo, which had not until then attracted attention. It developed that a division on the line of the 46th parallel would place five-sixths of the lower tier of townships in Emmons, Logan, LaMoure, Ransom and Richland counties in Southern Dakota, and the remainder of these counties in Northern Dakota. It would not only cause considerable redefining of county boundaries but in some cases would divide homestead claims and improved farms. The convention or assemblage at Fargo, in order to avoid the perplexity and confusion resulting from this division resolved in favor of the 7th standard parallel as the division boundary, which would conform to the county boundary and the Congressional township lines already surveyed. Although the change would cause a loss to South Dakota of a valuable strip of fertile territory, it was conceded that the 7th standard was far preferable because it was well defined and would not be questioned, while the 46th parallel was not so well defined that the land holders and farmers could trace their boundaries thereon. While Delegate Bennett's bill was doomed to be pigeon-holed, the boundary that marked the division line when the states were finally admitted, was fixed upon the 7th standard parallel.

#### GOVERNOR ORDWAY'S IDEA

In his first message to the Legislature of Dakota, submitted in January, 1881, Governor Ordway submitted the following comment and recommendation concerning the statehood question:

The area of Dakota Territory is 13,000 square miles larger than Minnesota and Iowa combined. By extending its western line a short distance into Wyoming and Montana, it still leaves 200,000 square miles in those territories, and three large states could be formed with natural boundaries. The whole sisterhood remaining bound together by a community of interests, and the pride of a common name, which would carry great weight in the national councils, when the names of Southern, Western, and Northern Dakota, should be added to the states of the Union. As to the names or number of states, the particular lines of division, or the exact time when the first state should be admitted, I have no recommendation to make, except that we place the territory in such a position that the people may be prepared for any of the proposed changes.

In order, however, to carry out any plan of division, it seems to me that Congressional action must first be secured, and unless the bill now before Congress should become a law (Bennett's bill), during the present session, in order to secure early action in the next session, we must go to Congress with a perfected code of equal and just laws, with a sound educational system, and with such a financial record that the new states can be safely entrusted with the control and disposition of the 5,000,000 acres of school lands already placed in trust for the people, and such other donations from the public domain as the new situation would demand.

The numerous pressing subjects requiring legislation, to which your attention has been especially called, together with local matters, will probably engross nearly all the time of the present session. If you find it impossible to consider measures necessary for laying the foundations of the state, I would suggest the propriety of your memorializing Congress for a special session of the Legislature, to meet the first of June or September, to determine all

questions relating to admission, the adjustment of common interests, and to perfect all needed legislation that it may conform to the changes agreed upon. This work could all be accomplished within two months, and then members would have ample time during the adjournment to confer fully with their constituents and ascertain the views of the masses of the people upon all these important subjects.

If this or some similar course should be pursued, I apprehend that the united voice of the people thus expressed through their representatives, would carry such weight that early action could be secured in the forty-seventh Congress.

#### DELEGATE PETTIGREW'S POSITION

Early in the beginning of the long contest for the division of the territory and statehood, when it was entered upon in earnest in 1881, Delegate Pettigrew who had succeeded Judge Bennett, gave out a statement through the Fargo Republican, of his views on the subject. At that time the northern portion of the territory did not claim sufficient population to entitle her to statehood, but desired a territorial organization. The southern half having sufficient population, claimed the right of admission into the Union, and this was practically the unanimous desire of the people of the territory, as expressed through various public conventions representing all classes and all political parties. Mr. Pettigrew's views, as reported, follow:

Mr. Pettigrew deprecated the discussion of Dakota's division and South Dakota's admission from a mere party standpoint. He desires that Dakota shall stand before the nation, not as a creature of political expediency, but as a territory having strong claims to statehood which she asks only the nation to consider and pass upon entirely upon their merits. He affirms and sustains his affirmation with a convincing array of facts and figures, that no territory ever knocked for admission to the Union that was as splendidly prepared for statehood as South Dakota, to say nothing of the entire territory undivided. Here are some of the facts which the delegate presents:

In the first place no territory was ever yet admitted that had the population that South Dakota has. The census returns of 1880 give that part of the territory south of the 46th parallel a population of 68,000. Careful estimates show beyond question that since the census of 1880 was taken the population of that section has increased not less than 40,000, making a total of 1,08,000, which is some 48,000 more than any other territory could boast at the time of its admission. To illustrate the rapid growth of the territory in a single year, the vote of Moody County in 1880 was returned at 600; this year 1,250 votes were cast in that county.

Then again, no territory was ever yet admitted that had the number of miles of railroad which South Dakota alone now has. The number of miles now in operation is over one thousand; with fifty more already graded, and 100 more under contract.

And again, no territory was ever before admitted that had the certain prospect of rapid and substantial growth and development that South Dakota, and North Dakota too, are conceded to possess. The rich soil of the territory has only been broken here and there, and the immense crops which respond to the labor of the farmer are attracting the attention of homeseekers the world over. Railroad building has but just begun, and vast as are the expenditures for railroads already, the supply falls short of the growing demand, and the profits on the investment show the healthfulness of the demand.

In this connection another feature of South Dakota's productions and grand possibilities should not be omitted. The proposed state would embrace the famous Black Hills region, the development of which is in its infancy, and yet what a magnificent showing it has made. This region during the past year has produced over six million dollars in gold, \$78,000 in silver, about two hundred tons of salt, several hundred barrels of petroleum, and large quantities of coal and other minerals. The extent of the so-called low-grade ores in this region must ultimately make the Black Hills the first mineral-producing region in America, and all that is needed to insure the development of her mines is the extension of railroads and the consequent influx of capital.

And now to take a more general view. The great Northwest has interests of vast importance which must increase with every recurring year. These interests must be watched and protected, and fully represented in national legislation. With but two senators and one representative, Dakota's influence at the nation's capital and with other states, would be far less than her wealth and population entitle her to possess. To admit Dakota as a state entire would be to postpone indefinitely a division of our vast territory into two states which her two separate railroad systems and her two parallel tides of immigration most naturally suggest. Such postponement of division would rob the Northwest of half her influence and half her strength.

But one more point can be presented. So long as we remain under territorial government, so long is likely to continue the present system of governing or "running" the territory by

men from the states who have little or nothing in common with the resident population, and are not in full sympathy with the people of the territory. So long as this appointive system obtains, so long will we be compelled to place our public interests, and in a measure, our private interests too, in the hands of "court favorites," and the hangers on of the powers that be. So long as our legislature and our courts are controlled and supervised by men who are not as one with us in our aims and projects for the development of the territory, so long will our legislation be disappointing and our courts of justice a misnomer. The supreme necessity of the hour is, then, the division of the territory and the admission of South Dakota as a state.

#### IN CONGRESS IN 1882

Early in the session of Congress of 1881-82, there were six separate measures before the body relating to the division of the Territory of Dakota, and the admission of the State of South Dakota. These were, one by Delegate Pettigrew for the admission of the State of Dakota (south of the 46th parallel); one also by the delegate for the formation of the Territory of Pembina north of the 46th parallel; one for the admission of the State of Dakota, by Senator Saunders, of Nebraska, and still another bill for the admission of the State of Dakota, by Senator Windom, of Minnesota; also a bill establishing the Territory of North Dakota, by Senator Windom, and a bill to establish the Territory of Pembina north of the 40th, by Senator Saunders. Two of the Senate bills were counterparts of Delegate Pettigrew's House measures, and had been introduced to facilitate legislation at the request of the delegate.

The delegate had concluded to introduce separate bills—one for a division of the territory on the 46th parallel, and the other for the admission of the southern half into the Union as a state—though in this he was opposed to some extent by the delegations from the southern section who had imbibed an opinion that by having the two measures in one bill, division would strengthen admission. The situation in Congress, however, gave no support to this view, but just the reverse, for it certainly indicated that the admission measure would weaken division. It was quite clearly manifested that admission of the state must have strength enough, based on its merits, to secure favorable action. The delegate appears to have been governed by a very intelligent view of the situation, which in brief was thus stated:

Congress was not ready to admit another state, and was not in a position to handle Dakota's admission proposition intelligently. The division bill alone being presented, the democrats would not look on it as a party measure. They would consider the arguments for division without prejudice. The division bill would receive considerable democratic support, provided there should be no democratic caucus held to consider it, which at the time was not looked for. If the democrats in the House wanted to defeat the division bill by filibustering they could do it, and they would do it if the question of admission was embodied in it. One hundred and forty-seven members constituted a quorum. The republicans had 146 and two readjusters who voted with them, making 148, but there were always a number who were sick or absent, which would reduce the republican vote below the required number, and the democrats, by refusing to vote, could prevent a quorum. They could sit in their seats and do this, thus defeating the bill. It was thus apparent that the success of any bill that was made a party measure would be doubtful. It was in deference to this situation that the Dakota bills were introduced as separate measures.

Mr. Pettigrew was quite confident of the success of the division bill at this session, but the situation of the admission project was less encouraging. There should, however, have been nothing greatly discouraging, but much to encourage, had the division bill succeeded, for in that case the southern half of the territory would have had its territorial organization, and with it 200,000 population which at the time was increasing at the rate of thousands each month and would have been in such a position at the next session that partisan considerations might have doubted the policy of denying it its just claims.

Division was in fact the most important at the time, for without division the "one state plan for the entire territory" which Governor Ordway and others favored, hung menacingly over the territory, despite this apparent unanimous



desire for division. With division accomplished, admission for Southern Dakota was certain.

(Had the sentiment of the people of the territory favored it, it was claimed that the entire territory might have been admitted into the Union as one state, at this session).

Following is a copy of the bill introduced in December, 1881, by Delegate Pettigrew, and referred to the Committee on Territories, and ordered to be printed:

A bill to enable the people of the Territory of Dakota to form a constitution and state government, and for the admission of the state into the Union on an equal footing with the original states.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the inhabitants of the Territory of Dakota included in the boundaries hereinafter designated be, and they are hereby authorized to form for themselves, out of said territory, a state government, with the name of the "State of Dakota," which state, when formed, shall be admitted into the Union on an equal footing with the original states in all respects whatsoever, as hereinafter provided.

Sec. 2. That the said State of Dakota shall consist of all the territory included within the following boundaries, to wit: Commencing at a point on the west boundary line of the State of Minnesota where the 46th degree of north latitude intersects the same; thence south along the west boundary lines of the states of Minnesota and Iowa to the point of intersection between the Big Sioux and Missouri rivers; thence up the center of the main channel of the Missouri River to the mouth of the Niobrara River; thence westerly and up the main channel of the said Niobrara River to the mouth of the Kcha Paha River; thence up the center of the main channel of the said Kcha Paha River to the 43d degree of north latitude; thence west along said 43d degree of north latitude to the 10th degree of longitude west from Greenwich; thence north along said degree of longitude to the 46th degree of north latitude, thence east along said 46th degree of north latitude to the place of beginning.

Sec. 3. That all persons qualified by law to vote for representatives to the General Assembly of said territory at the date of the passage of this act shall be qualified to be elected, and they are hereby authorized to vote for and choose representatives to form a convention, under such rules and regulations as the district attorneys of the first, second and fourth judicial districts of said territory or any two of them, which lie within the limits herein described, may prescribe; and all who are qualified voters of said territory, under the laws thereof, at such time as the constitution to be framed shall be submitted to the people for ratification or rejection, shall be entitled to vote upon the question of such ratification or rejection, under such rules and regulations as said convention may prescribe; and the aforesaid representatives to form the aforesaid convention shall be apportioned among the several counties in said territory in proportion to population as shown by the census of 1880, as near as may be; and said apportionment shall be made for said territory by the district attorneys of the first, second and fourth judicial districts aforesaid, or any two of them; and the acting governor of said territory shall, by proclamation, order an election of the representatives aforesaid to be held throughout the territory, at such time as shall be fixed by the district attorneys aforesaid, or any two of them, which proclamation shall be issued within ninety days from the passage of this act, and at least thirty days prior to the time of said election; and such election shall be conducted in the same manner as is prescribed by the laws of said territory regulating elections therein for members of the Council and House of Representatives; and the number of members to said convention shall be 120.

Sec. 4. That the members of the convention thus elected shall meet at the capital of the territory, on a day to be fixed by said district attorneys, or any two of them, not more than sixty days subsequent to the day of election, which time of meeting shall be stated in the aforesaid proclamation mentioned in the third section of this act, and after organization shall declare, on behalf of the people of said territory, that they adopt the Constitution of the United States, whereupon the said convention shall be, and is hereby authorized to form a constitution and state government for said territory. Provided, That the constitution shall be republican in form, and make no distinction in civil and political rights on account of race or color, except Indians not taxed, and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence. And provided further, That said convention shall provide, by an ordinance irrevocable without the consent of the United States and the people of said state: first, that perfect toleration of religious sentiment shall be secured, and no inhabitant of said state shall ever be molested in person or property on account of his or her mode of religious worship, secondly, that the people inhabiting said territory do agree and declare that they forever disclaim all right and title to the unappropriated public lands and to all lands owned or held by any Indian or Indian tribe, until the title thereto shall have been extinguished by the United States, lying within said territory, and that the same shall be and remain at the sole and entire



disposition of the United States, and that the lands belonging to citizens of the United States residing without the said state shall never be taxed higher than the lands belonging to residents thereof, and that no taxes shall be imposed by the state on lands or property therein belonging to, or which may hereafter be purchased, by the United States.

Sec. 5. That in case a constitution and state government shall be formed by the people of the Territory of Dakota, in compliance with the provisions of this act, said convention forming the same shall provide by ordinance for submitting said constitution to the people of said proposed state for their ratification or rejection, at an election to be held at such time and at such places and under such regulations as may be prescribed by said convention, at which election the lawful voters of such new state shall vote directly for or against the proposed constitution; and the returns of said election shall be made to the acting governor of the territory, who, with the governor, chief justice, and secretary, or any two of them, shall canvass the same; and if a majority of legal votes shall be cast for said constitution in said proposed state, the said acting governor shall certify the same to the President of the United States, together with a copy of said constitution and ordinances; whereupon it shall be the duty of the President of the United States to issue his proclamation declaring the state admitted into the Union on an equal footing with the original states, without any further action whatever on the part of Congress.

Sec. 6. That until the next general census the said state shall be entitled to one representative in the House of Representatives of the United States, which representative, together with the governor, and state and other officers provided for in said constitution, shall be elected on a day subsequent to the adoption of the constitution, and to be fixed by said constitutional convention; and until said state officers are elected and qualified under the provisions of the constitution, the territorial officers shall continue to discharge the duties of their respective offices.

Sec. 7. That sections numbered 16 and 36 in every township, and where such sections have been sold or otherwise disposed of by any act of Congress, other lands equivalent thereto in legal subdivisions of not less than one-quarter section, and as contiguous as may be, are hereby granted to said state for the support of common schools.

Sec. 8. That provided the State of Dakota shall be admitted to the Union in accordance with the foregoing provisions of this act, 100 entire sections of unappropriated public lands within said state, to be selected and located by direction of the Legislature thereof, on or before the 1st day of January, 1884, shall be and are hereby granted in legal subdivisions of not less than one-quarter section, to said state, for the purpose of erecting public buildings at the capital of said state for legislative and judicial purposes, in such manner as the Legislature shall prescribe.

Sec. 9. That seventy other sections of land as aforesaid, to be selected and located as aforesaid, in legal subdivisions as aforesaid, shall be, and they are hereby, granted to said state, for the purpose of erecting a suitable building for a penitentiary or state prison, in the manner aforesaid.

Sec. 10. That 100 other sections of land as aforesaid, to be selected and located as aforesaid, in legal subdivisions as aforesaid, shall be, and they are hereby, granted to said state for the use and support of normal schools in said state; and ninety additional sections, selected, located and subdivided as aforesaid, are hereby granted to said state for the use and support of an agricultural college in said state aforesaid.

Sec. 11. That all salt springs within said state, not exceeding twelve in number, with six sections of land adjoining, or as contiguous as may be to each, shall be granted to said state for its use, the said land to be selected by the governor of said state within two years after the admission of the state, and when so selected to be used and disposed of on such terms, conditions and regulations as the Legislature shall direct: Provided, That no salt springs or lands, the right whereof is vested in any individual or individuals, or which hereafter shall be confirmed or adjudged to any individual or individuals, shall by this act be granted to said state.

Sec. 12. That 5 per centum of the proceeds of the sale of public lands lying within said state, which have been or shall be sold by the United States prior or subsequent to the admission of said state into the Union, after deducting all the expenses incident to the same, shall be paid to the said state for the purpose of making such internal improvements within said state as the legislature thereof may direct.

Sec. 13. That the eighth section of the act of Congress entitled "An act to appropriate the proceeds of the sales of public lands, and to grant preemption rights," approved the 4th day of September, 1841, shall be, and is hereby, declared applicable to the State of Dakota when admitted into the Union as herein provided.

Sec. 14. That any balance of the appropriation for the legislative expenses of said Territory of Dakota, remaining unexpended, shall be applied to and used for defraying the expenses of said convention, and for the payment of the members thereof, under the same rules and regulations and rates as are now provided by law for the payment of the Territorial Legislature; and if the balance of said legislative appropriation does not amount to the sum of \$20,000, then there shall be, and there hereby is, appropriated, out of any money in the treasury not otherwise appropriated, a sum sufficient with the unexpended appropriations, to make the sum of \$20,000, which shall be used for the purpose aforesaid; Provided, That

any money hereby appropriated not necessary for such purpose shall be covered into the treasury of the United States.

Sec. 15. That two sections of land in each township herein granted for the use of common schools shall be disposed of only at public sale, and at a price not less than \$2.50 an acre, the proceeds to constitute a permanent school fund, the interest of which is to be expended for the support of common schools.

Sec. 16. That all mineral lands shall be exempted from the operation and grants of this act. Provided, That if sections 26 and 36 in any township shall be found to be mineral lands, the Legislature of said State of Dakota is hereby authorized and empowered to select any other unappropriated lands in said State of Dakota in lieu thereof, for the use and benefit of the common schools of said State of Dakota.

The general manager of the Chicago & Milwaukee Railroad, Mr. S. S. Merrill was strongly in favor of the passage of Delegate Pettigrew's admission bill in 1882 and thought it would go through. He stated that in this event his railroad company would offer a section of land at Forestburg, near the junction of the Southern Minnesota Railroad with the James River line, as a capital site for the state. The land office at Mitchell would also be transferred to Forestburg.

#### GOVERNOR ORDWAY HOLDS A CONVENTION

During the summer of 1881 the question of securing a division of the Territory of Dakota on the 46th parallel of north latitude, was beginning to interest the people quite generally, and some suggestions regarding a public meeting were thrown out by the moulders of public opinion, which term was applied to newspapers generally. Among the plans proposed for getting an authoritative expression from the people on this subject, which should have appeared simple enough by calling conventions of the different political parties, was one put forth by a newspaper at Fargo called the *Argus*, which was the reputed organ of Governor Ordway in Northern Dakota, and which attracted quite a little attention because of its novelty, and the opportunity it would afford of placing the governor in a position which he very much coveted, that of being a leader and director in the movement. There had not been, up to this time any conspicuous partiality shown for the governor as a custodian of the interests of the people in the affairs which may be assumed as under their control. And already the differences that marked the administration of Ordway with Mr. Pettigrew, the delegate, constituted an inharmonious element in territorial politics. As Mr. Pettigrew subsequently publicly stated, in explaining the causes of the differences between Governor Ordway and himself, the former had proposed, shortly after his arrival in the territory, a combination by which the twain could control the federal appointments and the politics of the territory. Mr. Pettigrew declined to enter into such a compact, and thus incurred the official antagonism of the governor.

The plan proposed in the *Argus*, was preceded by brief comment on the desirability of a convention to consider such an important subject as division, and as the agriculturists of Fargo and Cass County were to hold a fair in September, at Fargo, when a multitude of people would be assembled to attend the agricultural exhibit, it was thought a fit occasion for initiating something new and artistic in politics, and to have as its sponsors eight distinguished persons with the governor as the leader. Therefore, says the *Argus*:

The following has been suggested by letters from public men, north and south, and by a number of *Argus* exchanges, and it seems feasible and likely to meet the views of all parties concerned. This is the scheme:

Four United States officials and four persons who have been deputed to important trusts by the people, each in all to meet and name one first class man from each county in the territory, and one additional delegate for every thousand inhabitants in counties having more than one thousand inhabitants. The convention so composed to meet at some point central and easy of access from all parts of the territory, to be decided upon by the committee first named. Huron has been suggested.

The original committee of eight, it has been suggested, should be constituted in the following unpartisan manner: His excellency, Gov. N. G. Ordway; the Hon. R. L. Pettigrew,

delegate to Congress; the Hon. George H. Hand, secretary of the Territory; the Hon. Hugh J. Campbell, United States attorney; Capt. John B. Raymond, United States marshal; Hon. Granville G. Bennett, ex-delegate; Hon. George H. Walsh, president of the late territorial council, and Hon. J. H. Harding, speaker of the late territorial assembly. This committee, it is thought, could meet at Fargo on September 16th, at the time of the great agricultural fair, and in person or by proxy, select by proxy, taking up each county separately, delegates from the several counties according to the above ratio, and invite the same to meet at some point to be agreed upon in committee, say on or about the 12th of October following; the committee above named to be ex-officio members of the convention at large. The convention to be called for the purpose of considering the necessary steps to be taken to secure early division, and to appoint suitable committees to carry the decisions of the convention into effect.

(Note.—Since the original list of eight was made up, the self-appointed leader of the movement has added the names of three prominent democrats, Hon. Bartlett Tripp, Daniel Marratta, and William VanEps.)

The foregoing plan was undoubtedly prepared by Governor Ordway and published in the Fargo newspaper with commendatory comment. It was followed by the active and officious exertions of the governor to secure the success of the Fargo meeting, though the only authority for that meeting was the suggestion given above. Delegate Pettigrew repudiated the movement. Whether any of the others named, subscribed to it, does not appear but they did not attend.

The governor, however, does not seem to have been discouraged, and the plan must have appeared to him as the only one that would afford him the coveted position of a leader in the movement, for on the day of opening the Fargo Fair the *Argus*, gave place to the following:

A large number of the leading newspapers and prominent citizens having endorsed the proposition that the governor, as the executive head of Dakota, should notify a preliminary conference, during the fair, for the purpose of securing the views of representative men from every section of the territory; the following notice was sent to six gentlemen who had received appointments to the general offices of the territory, and to seven prominent gentlemen who have been elected to prominent positions and who have been recognized as leading men in both political parties:

"In accordance with numerous suggestions from the press and people it is proposed to hold a preliminary conference in regard to the future of the territory, at the fair at Fargo, September 15th and 16th. As both political parties and all interests are to be represented, it is hoped you will attend if possible, otherwise send your views in writing as to future action.

N. G. ORDWAY."

As the notices were sent out at so late a date, many of the gentlemen to whom they were sent will be unable to attend, but those, as suggested in the notice, will generally send their views to the governor in writing, so that the sentiments of the different sections will undoubtedly be ascertained and thus accomplish substantially the object of a full meeting.

The report of a meeting held at Deadwood, endorsing division and admission, attested by F. H. Darrow, chairman, and C. F. Whetbeck, secretary, and also an acknowledgment from Bartlett Tripp, of the notice sent him and his earnest wish for the admission of Dakota into the Union, were included in the article given out by the *Argus*. The *Argus* article concluded with the statement that.

Governor Ordway, having seconded the strong expressions of the press that some action should be taken by requesting responses from certain gentlemen named, will have Room 24 at the Continental Hotel, open on the 15th and 16th, for the reception of all who favor a preliminary conference in regard to the present and future interests of the territory.

Quite a number of people came to the fair on the 16th, but very few to Room 21, aforesaid. Not one of the officials, whom the governor had honored by naming them a member of his conference, except Secretary Hand (who went up with Ordway, to the "conference," presumably as a matter of courtesy), attended, nor were represented by letter. Col. A. W. Edwards, editor of the *Argus*, was with the gubernatorial conference, making three, when a delegation of North Dakotians called to pay their respects and advise with the governor as per his invitation, in which he had already assumed a proprietary interest in the



division and admission business. This delegation was made up, partly, of ex-Associate Justice Barnes, Hon. S. G. Roberts, of the territorial council, Cass County, Hon. John Miller, afterwards elected first governor of North Dakota, and Hon. Geo. H. Walsh, who was on the governor's original list, and was chairman of the republican central committee.

At this meeting the governor discovered that his advisors did not agree with his plan at all, which displeased him, and with Colonel Edwards and Secretary Hand, held a brief private conference in an adjoining room, returning to the audience room with a written proposition that "the chairman of the republican and democratic committees of the territory should meet with the governor at his office in Yankton, on a day named, to fix the apportionment and determine upon preliminaries for calling a convention." This proposition led to discussion. It was an assumption that in some way Governor Ordway had been clothed with authority to direct the steps to be taken in this important business, and it evidently gave mild offense to the representative yeomanry there present. Governor Miller broke the ominous silence that followed, by suggesting.

That instead of the three persons named he thought it would be better that the two central committees should be called together and in joint conference agree upon the time, place and such preliminaries as it should be necessary to determine, and if these committees when assembled, desired the advice of the governor, they should invite him to be present, as he (Miller) would do were he chairman of either of the committees.

Councilman Walsh, chairman of the republican committee, followed Mr. Miller, and declared that he favored the suggestion of Mr. Miller, and added, that as chairman of the republican committee he should not be inclined to take part in any such apportionment and action suggested by the governor, except by the advice and co-operation of his associates on the central committee.

Judge Barnes followed, and stated that he agreed with the suggestions of Messrs. Miller and Walsh, and gave as a reason that there was a natural jealousy on the part of the people with any dictation on the part of federal officials, in matters that should spring from and be controlled by the electors of the territory themselves without interference or any apparent attempt to control such matters by the federal officials.

Remarks of a similar import were made by Hon. S. G. Roberts, and the suggestions of these gentlemen appeared to meet the cordial approval of a majority of the gentlemen present.

Governor Ordway then arose from his seat and stated with asperity, that he "wanted it distinctly understood that while he had invited the gentlemen present to consult and advise with him, he had not called them together to outvote him."

This rather imprudent statement seemed to arouse some indignation among the visitors, who had presumed that the meeting was held for the purpose of discussing the best plan of calling a convention of the people to act upon the questions of admission and division, but seemed to be confronted by the governor with a statement or declaration that, "if you gentlemen have come here to disagree with the plan that I propose, I want it distinctly understood that you are not invited here for any such purpose."

The gentlemen who had taken part in the brief discussion, suggesting a more popular and just plan, with some others, feeling that his excellency had betrayed an offensive spirit and a lamentable lack of dignity and courtesy, then withdrew.

This conference was without result, except to draw attention to the governor's ambition, and his proneness for plotting. In order to give some justification for holding it, and to make it appear to the people as a remedy for ills with which they did not know were oppressing them, the "conference" recommended "holding primary elections for the purpose of electing delegates to a territorial convention, which was regarded as an abandonment of the original scheme and just what was most apt to be done, without any suggestions from his excellency.



On his return to Yankton, the governor halted in St. Paul long enough to give the Pioneer Press his version of the affair, which was much distorted. The truth was that his plan was not only exceedingly distasteful to the people generally, but even those whom the governor had taken the liberty of naming as his associates in the dictatorship, quietly ignored the affair; but had they all joined with him it would have made no difference in the result. There was an offensive obtrusion of the "one man power" about it that doomed it to the ignominious failure which had already overtaken it, although, as was characteristic of his excellency, he pretended great concern that such a meritorious plan should encounter an unreasonable and selfish opposition.

#### DELEGATE PETTIGREW'S PEMBINA BILL

The following is the full text of the bill introduced in the House in January, 1882, by Mr. Pettigrew, to provide for the organization of a new territory from the northern half of Dakota. A similar bill was also introduced about the same time by Senator Saunders, in the Senate:

A bill establishing the Territory of Pembina, and providing a temporary government therefor.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That all that part of the territory of the United States now constituting a part of the Territory of Dakota and described as follows, to-wit:

Commencing at a point on the Red River of the North where the 49th degree of north latitude crosses the same, thence south along the west boundary line of the State of Minnesota to the 40th degree of north latitude; thence west along said 40th degree of north latitude, to the eastern boundary line of the Territory of Montana; thence north along said boundary line to the 49th degree of north latitude; thence east along said degree to the place of beginning; be and the same is hereby organized into a temporary government by the name of the Territory of Pembina.

Section 2. That all the provisions of Chapter One of Title 23, of the Revised Statutes of the United States, and the amendments thereto, except as herein otherwise provided, shall apply to and be in full force and effect in the said Territory of Pembina.

Sec. 3. That the legislative council of said territory shall consist of fifteen members, and the House of Representatives thereof of thirty members.

Sec. 4. That there shall be appointed in the manner provided by law, a surveyor general for the said territory, who shall locate and keep his office at such place within said territory as the secretary of the interior shall from time to time direct, and whose duties, powers, obligations, responsibilities, compensation and allowance for clerk hire, office rent, fuel, and incidental expenses, shall be the same as those provided by the Act of 1861, for the surveyor general of the Territory of Dakota.

Sec. 5. That the judicial power in the Territory of Pembina shall be vested in a Supreme Court, district courts, probate courts and justices of the peace.

Sec. 6. That writs of error and appeals from the Supreme Court of said territory shall be allowed to the Supreme Court of the United States in the same manner and under the same regulations as from the circuit courts of the United States, where the value of the property or the amount in controversy, to be ascertained by the oath of either party litigant, or other competent witnesses, exceeds one thousand dollars, except that a writ of error or appeal shall be allowed to the Supreme Court of the United States from the decision of the Supreme Court of said territory, or any judge thereof, or of the district courts thereof, or any judge thereof, upon writs of habeas corpus involving the question of personal freedom.

Sec. 7. That each of the district courts in said territory shall have and exercise the same jurisdiction in all cases arising under the Constitution and laws of the United States as is vested in the circuit and district courts of the United States, and the first six days of every term of the respective district courts, or so much thereof as may be necessary, shall be appropriated to the trial of causes arising under such Constitution and laws, but writs of error and appeals in all such cases may be had to the Supreme Court of said territory as in other cases made and provided.

Sec. 8. That the supreme and district courts of said territory, and the respective judges thereof, may grant writs of habeas corpus in all cases in which the same may now be granted by the judges of the United States in the District of Columbia.

Sec. 9. That the probate courts of said territory, in their respective counties, in addition to their probate jurisdiction, are authorized to hear and determine civil cases, wherein the damages or debt claimed does not exceed five hundred dollars, and such criminal cases arising under the laws of the territory as do not require the intervention of a grand jury; but they shall not have jurisdiction of any matter where the title or right to the peaceable possession of land may be in dispute or of chancery or divorce causes; and in all cases an appeal may be taken from an order, judgment or decree of the Probate Court to the District Court.

Sec. 10. That no justice of the peace in said territory shall have jurisdiction in any case where the debt or sum exceeds one hundred dollars.

Sec. 11. That the legislative assembly of said Territory of Pembina may organize, alter or modify the several judicial districts thereof, and may assign the judges appointed for said territory to the several judicial districts, and may fix or alter the times and places of holding the district courts therein in such manner as each succeeding legislative assembly shall deem proper and convenient.

Sec. 12. That all township, municipal, county, district and territorial officers, except such territorial officers as are appointed by the president, shall be appointed or elected in such manner as may be provided by the governor and legislative assembly of said Territory of Pembina, and all township, municipal, county, and district officers of the Territory of Dakota who shall be in office within the limits of the said Territory of Pembina when this act shall take effect shall be, and they are, hereby authorized and required to continue to exercise and perform the duties of their respective offices until their successors are duly appointed or elected and qualified, as provided by the governor and legislative assembly of said Territory of Pembina, or until such office shall be abolished.

Sec. 13. That all laws passed by the legislative assembly and governor of the Territory of Pembina shall be valid and binding without being submitted to Congress for its approval, though Congress shall have the power to annul said laws in its discretion.

Sec. 14. That the governor of said Territory of Pembina shall have power to call the legislative assembly together by proclamation, on an extraordinary occasion, at any time after presenting the reasons therefor to the President of the United States, and his approval thereof having been first obtained.

Sec. 15. That there shall be appropriated annually \$1,000, to be expended by the governor, to defray the contingent expenses of said territory, including the salary of the clerk in the executive department.

Sec. 16. That there shall be appropriated for said Territory of Pembina annually a sufficient sum, to be expended by the secretary of said territory upon an estimate to be made by the secretary of the treasury, to defray the expenses of the legislative assembly and other incidental expenses, and the secretary of said territory shall annually account to the secretary of the treasury for the manner in which said sum has been expended.

Sec. 17. That the members of the legislative assembly of said territory shall each receive \$3.00 for every twenty miles traveled in going to and returning from the sessions of their respective bodies, estimated according to the nearest traveled route.

Sec. 18. That sections numbered sixteen and thirty-six of the public lands in said Territory of Pembina, shall be reserved for the purpose of being applied to schools in said territory and in the state that may be hereafter formed in place of said territory.

Sec. 19. That the inhabitants of said territory shall be entitled to all the rights, privileges and immunities heretofore granted and secured to the Territory of Dakota, and to its inhabitants; and the laws in force in the Territory of Dakota at the time of the passage of this act shall continue to be operative and valid in the Territory of Pembina so far as the same may not be incompatible with the provisions of this act, until the same shall be altered, modified or repealed by the governor and legislative assembly of the said Territory of Pembina; Provided, That it shall not be lawful for any county, city or town in said territory to bond itself for other than municipal indebtedness, and in such case only to the amount of five per centum of its valuation.

Sec. 20. That the general laws of the United States as to the punishment of crime in any place within the sole and exclusive jurisdiction of the United States, except the District of Columbia, shall be extended to all that portion of said territory not embraced in any organized county so long as the same shall remain unorganized, to the exclusion of the criminal statutes of said territory, and the courts of said territory exercising the jurisdiction of United States district and circuit courts shall have exclusive jurisdiction to try and punish all persons committing offenses within said portion of said territory, and if any offense be committed therein which is not prohibited by the laws of the United States, the person or persons committing the same shall be liable to and shall receive the same punishment as the laws of said Territory of Dakota provide for the like offense.

Sec. 21. That all suits, process and proceedings, civil and criminal, and all indictments and criminal proceedings which shall be pending and undetermined in the courts of the Territory of Dakota within the limits of the said Territory of Pembina, when this act shall take effect, shall be transferred to be heard, tried, prosecuted and determined in the district courts hereby established which may include the counties or districts where any such proceedings may be pending. All bonds, recognizances, and obligations of any kind whatsoever, valid under existing laws within said territory shall be valid under this act, and all crimes and misdemeanors against the laws in force within said limits, may be prosecuted, tried and punished, and all penalties, forfeitures and actions, and causes of action may be recovered, the same as they would have been under the laws in force in the Territory of Dakota at the time this act shall go into operation.

Sec. 22. That all suits and actions which have been removed from any district court held within said limits, by appeal or otherwise, to the Supreme Court of the Territory of Dakota, and shall be undetermined there at the time this act shall go into operation, shall be certified by the clerk of said Supreme Court and transferred to the Supreme Court created

by this act, there to be proceeded with to final determination in the same manner that they might have been in the Supreme Court of the Territory of Dakota.

Sec. 23. That immediately upon the taking effect of this act the counties of Campbell, Walworth, Potter, Faulk, Edmunds, McPherson, Brown, Spink, Day, Clerk, Codington and Grant, and the Sisseton and Wahpeton Indian Reservation, in the Territory of Dakota, between the 46th parallel of north latitude and the seventh standard parallel lying east of the Missouri River, shall constitute the Third Judicial District of the Territory of Dakota, until changed or altered by the Legislative Assembly of said Territory of Dakota, and the District Court in the various counties and subdivisions in said district shall be and remain as is now or may hereafter be provided by law. And the counties of Union, Clay, Turner, Lincoln, McCook, Minnehaha, Moody, Lake, Kingsbury, Hamlin, Brookings and Deuel, shall constitute the Fourth Judicial District of the Territory of Dakota, and the District Court for said district shall have and exercise the same jurisdiction in all cases arising under the Constitution and Laws of the United States as is vested in the circuit and district courts of the United States, and the circuit and district courts of the United States for said district shall be held at Sioux Falls, at the times fixed by the laws of the said Territory of Dakota for the general terms of court, in said Minnehaha County; and the jurisdiction of the District Court of the Fourth Judicial District, in all cases arising under the Constitution and Laws of the United States, shall extend over and include as a part thereof the counties of Clark, Codington, Grant and Day, and all that portion of the Sisseton and Wahpeton Reservation south of the 46th parallel of north latitude; and all that portion of said Territory of Dakota north of said reservation and said County of Day. And the jurisdiction of the District Court of the Second Judicial District of the Territory of Dakota, in all cases arising under the Constitution and Laws of the United States shall extend over and include as a part thereof, the counties of Brown, Spink, Faulk, Edmunds, McPherson, Campbell, Walworth and Ashmore, and that portion of said Territory of Dakota lying north of said counties of Campbell, McPherson and Brown, until altered or changed by the Legislative Assembly of said Territory of Dakota; and all suits, actions, proceedings and indictments now pending or commenced in the Second Judicial District of Dakota, as it is now constituted by the laws of the Territory of Dakota, shall not abate, but shall be heard, tried and determined in the District Court of said Second Judicial District.

Sec. 24. That the governor, chief justice and secretary of the territory, and the auditor and treasurer, or any two of them, are hereby authorized to meet at the capital of said Territory of Dakota within sixty days after the taking effect of this act, and to reapportion the members of the Council and House of said Territory of Dakota upon the basis of population, as near as may be, as shown by the census returns for the year 1880; and when the reapportionment is completed they shall forthwith file their report of the same with the secretary of the territory. And within ten days thereafter the governor of said territory shall issue his proclamation for an election of such members of the Legislature so appointed as aforesaid, specifying in said proclamation the apportionment so made to the different sections, and which election shall be held at the time and place as provided by law, and the returns thereof canvassed as provided by the laws of said Territory of Dakota.

#### CITIZENS' CONVENTION AT CANTON

Early in 1882 there was a general belief among the people of the territory that they were approaching statehood, and the intelligence of the citizens was manifested in the concern felt and expressed by all classes regarding the provisions of the fundamental law they would be called upon to adopt for the government of the new state.

A bill was then pending in Congress, introduced in the House by Delegate Pettigrew, and in the Senate by Senator Windom, of Minnesota, providing a Territorial Government for Pembina, which it was proposed to take from Dakota Territory north of the 46th parallel of north latitude, and the prospect of its passage through both Houses was so favorable that the statehood movement for the southern half was set on foot with sanguine expectations that it would be admitted into the Union with little delay.

#### CITIZENS' TERRITORIAL CONVENTION

Anticipating this, a Citizens' Constitutional Association was set on foot, and in February a call was issued from Yankton for a convention to be held at Canton on the 7th of June, which was subsequently changed to the 21st of June.

Mr. H. H. Smith, of Yankton, was the chairman of the committee that issued the call, which stated that the object of the convention was to consult and ascertain the wishes of the southern portion of the territory on the question of state



organization and other vital questions connected with that subject. The call appears to have been intended for distribution to certain individuals who were solicited to interest themselves in procuring signers to it, this being the beginning of the movement, and proceeds as follows:

We have further to request that you, and such of your neighbors as feel an interest in these important subjects, shall, as soon as practicable, obtain the signatures of as many respectable citizens of your own and neighboring counties as you can, placing the name of the county opposite each signature, and return the call thus signed to H. H. Smith, chairman of the central committee, at Yankton.

Will you also transmit one of the "calls" to as many persons in the neighboring counties as you may think will take part in this movement, and request such persons to sign and transmit such papers in the same manner as above stated."

The central committee follows:

H. H. Smith, chairman; Rev. Joseph Ward, Yankton, Yankton County; W. R. Stone, Aurora, Brookings County; H. S. Lewis, Watertown, Codington County; E. H. Withee, Middleton, Turner County; E. C. Lyman, Huron, Beadle County; J. Q. Fitzgerald, Canton, Lincoln County; C. B. Valentine, Turner County; Wm. G. Bower, K. B. Finlay, Vermillion, Clay County; Ira Ellis, George Ford, Elk Point, Union County; C. C. Bridgman, Vermillion; P. Bjorgum, Elk Point; Daniel Sayers, Estelline, Hamlin County; A. J. Pynehen, Yankton; Wesley L. Beals, Watertown; D. S. Waldo, Lennox, Lincoln County; John M. Fogarty, E. P. Wilcox, W. H. H. Beadle, Jacob Max, Alexander Hughes, Yankton.

A circular accompanied the call setting forth in detail the objects of this association, worded as follows:

Preparations are being made in Congress for an enabling act, authorizing the people of this territory to hold a constitutional convention. Delegates to that convention will have in their hands your most vital interests; they will determine your boundaries, name your state, and prepare your fundamental laws for an indefinite number of years. As the people have not been consulted hitherto on any of these questions, and to avoid any danger that a small knot of politicians of Dakota shall take it upon themselves to decide these matters for her people without their knowledge or consent;

We, citizens of Dakota, without distinction of party, and living in different parts of the second judicial district, upon mutual consultation, have resolved, in the common interest, to cooperate in taking steps to have the people of Dakota consulted on these grave questions and their wishes ascertained.

With this view we have agreed to submit to the people of the various counties comprising the second judicial district the following questions for their consideration:

1st. Do you desire a state organization at this time?

2d. If so, do you desire to have the enabling act of Congress so framed that your constitutional convention shall be a small body elected on short notice, and with a ready-made constitution planned and drawn by a few men submitted to it, or do you desire a full and large convention, so that all persons of the territory may be represented, and such time given that the people may be fully informed of the nature of their new constitution, and have ample opportunity to examine and scrutinize all its provisions?

3d. Do you desire that the boundaries of Dakota shall be mutilated as provided by Senator Saunders' bill, and an important part of the territory given to Nebraska?

4th. Do you desire the boundaries of the new state to be extended over the Indian reservation and the Black Hills; or do you believe that the best interests of the people of both sections will be best promoted by having the new state a homogeneous agricultural state, with common interests and like laws, customs and modes throughout all its limits?

5th. Do you desire to perpetuate in this new state the township system of New England, from which our country has derived its free and democratic institutions, and its greatness and prosperity?

6th. Do you desire that the large school fund which the new state will inherit from the general Government will be guarded from plunderers and grafters by every possible check and safeguard, or that by a loose, free and easy constitution, the magnificent inheritance of your children and your children's children shall be at the mercy of rings, robbers and speculators?

7th. Do you desire to have checks incorporated into your constitution which shall confine county and municipal indebtedness within proper bounds, and protect your young communities from being mortgaged and sold into the hopeless slavery of debt, and this in many cases the result of fraud and deceit?



8th. Do you desire to have the people protected by proper provisions against undue control on the part of railroad and other monopolies?

9th. Do you desire to see special legislation prevented, with its train of lobbying, bribery, jobby and rings?

10th. Do you desire to send to your constitutional convention your best and most honest men, and to have time to select and instruct them in accordance with your wishes?

11th. Do you desire that your state legislatures as well as your county and city authorities shall be forever prohibited from loaning or pledging the public credit to corporations?

12th. Do you desire that your constitution shall have incorporated in it a clause forever prohibiting the manufacture and sale of intoxicating liquors as a beverage?

13th. Do you desire that a limit shall be fixed by your new constitution to the power of taxation, whether by state, county, city or town taxation, so that it shall never exceed certain reasonable bounds?

14th. Do you desire that your judiciary should be taken out of the unwholesome influence of partisan politics, and made at the same time independent and responsible?

15th. Do you desire that with your large school endowment a firm and sure foundation shall be laid in your constitution for a public school system, by which a good school shall be brought within the reach of every man's home, and under which every child of school age in Dakota shall have the opportunity of obtaining a fair education at home?

16th. Do you desire to this end to prevent your valuable school lands from being sold for a mere pittance now, which in a short time in the future will be worth from \$10 to \$50 per acre?

17th. Do you think it desirable, for the purpose of more fully considering these and other grave and serious questions connected with the proposed convention, and for the purpose of having opportunity for mature deliberation and consultation thereon, that you send delegates to meet at a fixed time and place in convention, to ascertain and give expression to the wishes of the people of Dakota on the matters suggested in these questions and kindred matters, and communicate them to Congress and the people before the calling of a constitutional convention?

18th. Do you desire to favor a permanent organization, to continue in operation from this time until a state constitution is adopted, which shall have for its object to watch and protect the public interest in respect to the "questions" above suggested, and to take such steps as may be necessary to disseminate information and promote public discussion of these subjects?

Should the questions seem to you of importance, we recommend to the qualified voters of the several counties herein named, being all of the counties in the second and fourth judicial districts, to hold elections in their several counties at their respective county seats, on the 17th day of May, 1882, at 2 o'clock P. M., at which all those who favor such a convention shall vote for such number of delegates as they may select to attend a convention to be held at the City of Sioux Falls on the 7th day of June, 1882, at 2 o'clock P. M. on that day. And that these elections be held in each county, under such regulations as the citizens of each county, friendly to this movement, may deem proper.

We further recommend that all qualified voters, without distinction of party, be invited to join in the selection of these delegates.

We further recommend, for the public good, that it be distinctly understood, as a fundamental condition of such convention, that all considerations of office or of political preferment be strictly excluded from the matters confided to this convention for its deliberation.

We further recommend that so soon as the foregoing "questions" shall be signed by one or more responsible and respectable citizen or citizens of each county in said second and fourth judicial districts, or of two-thirds of such counties, that then these "questions" be published in the territorial newspapers, and in the St. Paul Pioneer-Press, and in the Chicago Tribune, Inter-Ocean and Times.

We request that the signers of these "questions" in each county associate with themselves two or more citizens of such county, friendly to this movement, to act as a county committee, for the purpose of correspondence with the central committee, and of performing the preliminary work necessary to be done for holding and certifying in due form the elections above called.

We also request that as soon as this paper is signed it be returned to H. H. Smith, chairman of the central committee of the Citizens' Constitutional Association of the Second and Fourth Judicial Districts of Dakota, at Yankton, Dakota Territory, by whom the names of the signers will be incorporated in the general call, to be published as above stated.

It is not requested that signers to this call answer the above "questions" or any of them, either in the affirmative or negative, but merely that they indicate, by signing the same, that they desire that these questions be submitted to the people to ascertain their wishes thereon, and to promote discussion of the same.

This call is addressed to all the citizens of the Second Judicial District for United States Causes, which embraces all the second and fourth judicial districts, and all the counties of Dakota south of the 46th parallel of latitude, and east of the Missouri River, and also one tier of counties on the west side of the Missouri River.

The central committee has been unable, through want of the necessary time, to obtain the address of all the citizens to whom it is desired to send this call. They ask their friends, to whom it is sent, to supply this lack, by sending it to the friends of their county who are interested in these grave questions, and who are willing to assist in taking steps for properly bringing them before the people.

About one thousand five hundred names were secured to the call as originally sent out, and early in May a second call was issued changing the place of meeting to Canton, as follows:

Now, therefore, the people of the second and fourth judicial districts, which comprise that part of Dakota lying south of the 40th parallel of latitude and east of the western boundaries of the counties of Boreman, Rusk, Stanley, Pratt and Gregory, are hereby invited and earnestly recommended to meet during the month of May in their respective counties and select in such manner as may seem to them best such number of delegates as they deem proper to represent them in the convention to be held at Canton on the 7th day of June, 1882, there to consider and act on the questions above set forth.

Signed—John Stevenson, O. D. Hinckley, N. C. Nash, J. Geehon, I. N. Martin, T. W. Madole, R. Z. Bennett, A. R. Brown, R. A. Pierce, G. L. Conklin, W. B. Wait, T. J. Leavitt, A. J. Fleming, M. T. Hogoboom, William Stilwell, E. Jones, John Falde, J. S. Sand, and more than 500 others from Lincoln County.

A. L. McWhorter, Hand County.

H. C. Green, Wm. Letcher, W. A. Goodykoontz, and many others from Davison County.

O. E. Batchelder, and others from Lake County.

Sanford Suits, E. C. Lyman, and others of Beadle County.

Frank Hoskins, C. A. Fountain, and many others of Brown County.

W. B. White, C. J. Branch and many others of Hutchinson County.

J. M. Fogarty, E. Miner, E. P. Wilcox, Rev. Joseph Ward, Rev. M. Whitfield, L. D. Parmer, H. H. Smith, Z. Richey, Hugh J. Campbell, W. H. H. Beadle, Alex Hughes, Dr. F. Etter, and 150 others of Yankton County.

F. W. Harrison, A. F. McAuley, and many others of Bon Homme County.

K. B. Finley, M. J. Lewis, C. C. Bridgeman, W. G. Bower, and some 200 others of Clay County.

Ira Nash, Geo. F. Ross, and many others of Miner County.

Rev. W. H. Thrall, A. Folsom and many others of Day County.

Rev. J. P. Williamson, and many others of Charles Mix County.

Capt. I. G. Hurlburt, W. B. DeGray, and others of Kingsbury County.

W. R. Stone, W. L. Beals, and others of Codington County.

Joseph Allen, E. H. Withee, C. B. Valentine, and others of Turner County.

Ira Ellis, George Ford, Frank Wade, and others of Union County.

Daniel Sayers, and others of Hamlin County.

Chester Westcott, and others of Deuel County.

Possibly it was the suggestion among the "Questions" that prohibition would be discussed at the state convention called, that enlisted considerable interest in Yankton County, for on the day of the convention for the election of delegates a large number of citizens assembled for the purpose of taking part in the proceedings. This numerous attendance was a surprise to the parties who had been leading the movement for the state gathering, and it was evident that the new comers so recently converted, had assembled for the purpose of electing the delegation to the state convention and adopting a platform. The central committee chairman, Mr. Smith, however, was not inclined to surrender, and went ahead and organized the caucus with H. J. Campbell, as chairman, and H. H. Smith as secretary.

The new arrivals were denied the privilege of voting for the reason that they had not signed the call, which they answered by asking for the call, as they were prepared to sign it. The Campbell party, however, appeared to be suspicious of such sudden conversions, and went ahead with their proceedings, ignoring the new comers. Some loud talking ensued, and fireworks were dimly hinted at but the Campbellites refused to take them in, and the result was the organization of a separate caucus in the same room, and the proceedings of each faction went on simultaneously, and without further unseemly disorder.

The Campbell caucus appointed B. S. Williams, J. S. Fogarty and F. P.

Wilcox, to select a list of delegates to Canton, and the committee reported the following:

Dr. D. F. Etter, Rev. Joseph Ward, Gov. N. Edmunds, I. Piles, A. Hughes, W. H. H. Beadle, Hugh J. Campbell, H. H. Smith, Capt. W. S. Lyon, E. C. Dudley, S. W. Howe, Jacob Max, J. C. McVay, Geo. W. Kingsbury, Maris Taylor, J. R. Sanborn, G. W. Hawley, John M. Fogarty, L. D. Parmer, E. Miner, Rev. Wilmot Whitfield, E. P. Wilcox, A. J. Pyncheon, I. N. Esmay, M. Blodgett, A. L. VanOsdel. The report was adopted and the meeting adjourned.

The other caucus must have been headed by Judge C. F. Rossteuscher, because it was popularly known as the "Rossteuscher" caucus. Its adherents elected C. F. Rossteuscher, chairman, and A. C. Davis, secretary. On motion of George Bauman the chair appointed George Bauman, Jacob Brauch, and Otto Peemiller, to select a list of delegates to Canton.

Mr. Peemiller offered the following resolutions, which were adopted:

Resolved, That the delegates elected at this meeting to attend the convention to be held at Canton for the purpose of drafting a Constitution for the future State of Dakota, be instructed to procure the insertion in that instrument of a prohibition against the enactment of any sumptuary law or laws abridging the personal liberties of the people;

And be it further Resolved, That said delegates be instructed to procure the insertion in the constitution of the future state of a provision requiring all property owned by individuals or private corporations, to be uniformly taxed according to its value, and forbidding the exemption of any such property from taxation.

The following named delegates to Canton were reported and the report adopted:

G. A. Wetter, James B. Wynn, Geo. H. Hand, J. R. Gamble, F. Schnauber, C. F. Rossteuscher, Robert Dickson, A. C. Davis, J. Satori, Joseph Peir, Peter Royem, C. J. B. Harris.

The meeting then adjourned.

The declaration against the incorporation of any sumptuary provisions in the constitution, touched upon an issue or a question which at the time was being agitated in all the states and territories surrounding Dakota, and constitutional prohibition of the manufacture and sale of intoxicants was very freely discussed among the people. It was not a party question in Dakota; the Citizens' Constitutional Association was made up of prominent men of both parties, and it was probably their purpose, but not their leading purpose, to secure constitutional prohibition if they found public sentiment in line for it, and not to let the opportunity afforded by the adoption of a state constitution, pass without testing the matter at the ballot box. As this was generally understood, there was no surprise at the action of that element of the people who were opposed to any constitutional meddling with the liquor question. Another weak place in the programme of the citizen movement was the question regarding the boundaries of the new state which proposed to leave the Black Hills section out in the cold.

After a struggle of fifteen years to procure the opening of the Black Hills to settlement and development, the people of the eastern portion of the state would not be willing to relinquish it, and Congress would have gathered an erroneous idea of the sentiment of a very large majority of the people if it had been influenced by the boundaries outlined in the "question" relative thereto, put forth by the committee; but this was cured by the voluntary action of the central committee in a subsequent call, which explains itself, as follows:

Headquarters of the Central Committee, Yankton, May 24, 1882. Since there is reason to expect that the State of Dakota will be admitted to the Union at the present session of Congress, and since the state is to include all south of the 46th parallel, all the counties in the coming state are invited to send delegates to the convention heretofore called to meet at Canton on the 7th of June, and the time of holding the same has been changed from June 7 to June 21, 1882. It is earnestly hoped that every county will be represented at that time.

B. S. WILLIAMS, Secretary,  
H. H. SMITH, Chairman.



## FIRST CONSTITUTIONAL CONVENTION GATHERING

The convention assembled at Canton in accordance with the call, and 193 delegates claimed seats. As no apportionment of delegates had been made, each county had depended upon volunteers as a rule, and the County of Lincoln being at home in Canton, its delegates could attend without incurring much expense or much of time, and its delegation was quite numerous.

The place of meeting was at Redford Hall. Dr. W. I. Taylor, of Canton, called the convention to order, and was elected chairman, with Judge W. C. Bower, of Sioux Falls, secretary. Rev. J. V. Himes, of Union County, then offered prayer, imploring the divine blessing upon the proceedings. There were twelve clergymen among the delegates, and a number of ladies, women of the Woman's Christian Temperance Union, that association having held a convention in Canton the day before.

The temporary organization was made permanent, with the addition of N. C. Nash, of the Canton News, as one of the secretaries.

A recess was taken until 2 o'clock P. M. Upon reconvening, the mayor of the city, Hon. Wm. M. Cuppett, made a welcoming address.

On motion of Judge Campbell, of Yankton, all matters relating to politics and personal preferences, were declared to be out of order. Committees were then appointed on resolutions, rules, school lands, taxation, finance, name and boundary, prohibitory and anti monopoly legislation, and other subjects which were expected would be considered. These committees reported during the afternoon session. Their reports were quite full and complete, and included the following subjects:

That the boundaries of the state should be all that portion of the territory south of the 46th parallel, and its name should be simply "State of Dakota," no municipal indebtedness was to be contracted exceeding five per cent of the assessed valuation; counties were prohibited from using their credit to aid in the building of railroads; special legislation in behalf of corporations was forbidden; no legislation was to be permitted allowing the sealing down of the public indebtedness, the school lands were to be disposed of only at public auction and at a price not less than \$10 an acre, the manufacture and sale of intoxicating liquor was prohibited. The more radical element among the prohibitionists would have added to that article a clause prohibiting the sale or use for medical, mechanical or sacramental purposes, but they were unable to muster a majority. Some slight opposition was manifested to the 46th parallel as the northern boundary.

Rev. Wilmot Whitfield, Rev. Joseph Ward, N. C. Nash, S. F. Andrews, F. B. Foster and Rev. J. V. Himes, were appointed an executive committee to have charge of the work of organizing a state league with the view of being prepared to carry out the reforms proposed by the convention when the actual work of framing the state constitution should be entered upon under the authority of Congress.

The executive committee was authorized to carry out the plans of the state league, which in a general way corresponded with the proceedings of the former central committee. The convention adopted resolutions of thanks to the citizens of Canton for the courteous manner in which they had provided for the convention and after a number of brief addresses predicting a triumph for the principles and purposes of the Citizens Constitutional Association, the convention adjourned.

Thus terminated the first state convention held in Dakota, and reviewing the constitution finally adopted seven years later it is discovered that this initial volunteer body outlined quite closely many of the provisions of the instrument finally adopted.

This was no small movement, nor was it directed by those possessing no influence in the political field. It sowed the seed in its early career, which grew from that time and became one of the most important issues in the state movement, and that was the introduction of the question of constitutional prohibition. Not many of the people, compared with the whole body, seemed prepared to take an open stand for prohibition by the drastic method proposed, though a strictly temperate if not a total abstinence principle was the rule with a majority. The recent and numerous additions to Dakota's population had come from the states where the prohibition question had been a live issue and had been quite thoroughly discussed, and the general opinions favored the belief that Dakota was largely in favor of placing prohibition in the fundamental law.



The declarations regarding the school lands, public indebtedness, monopolies, and other subjects, were timely, and such as the masses of the people subscribed to and would insist upon. In large part the promulgation of the tenets of the association had a wholesome influence, and to a great extent solidified the sentiment of the people, and added its moiety of respectability to the important political work in which Dakotans were then engaged.

Something of the earnestness of the people and their confidence that Congress would act during this session favorably upon the division question; and give the southern half of the territory an enabling act under which it could prepare for statehood, will be afforded the reader by these proceedings in Dakota and at Washington. This was a people's movement—not a sham affair engineered by professional politicians in their own interest, though many politicians were conspicuous in it, but were moving in line for what the people demanded.

The Citizens' Constitutional Convention was purely a people's movement; that is, it was in no way connected with any political organization; its only distinctive feature was that the influences that controlled were those promoted by the temperance element, but it was not regarded as a prohibition movement, and was endorsed and participated in by many who did not favor prohibition. It was one of a number of similar efforts, which altogether show the unanimity of the people of the territory on the two leading issues—division and admission.

The votes taken do not serve to show this so clearly. Prominent people in these principal movements became estranged—whatever their motive it was not one that led to opposition to the principal objects in view—but with some it was personal ambition—with others, apparently, jealousy of the prominence given to a rival; with others railroad influences in making the constitution; and with others prohibition or anti-prohibition.

#### DAKOTANS MOVE ON WASHINGTON

Dakota Territory was represented at Washington during the session of Congress of 1881-82, by three separate and distinct delegations of her citizens, who were sent by authority of conventions publicly assembled for the purpose of promoting the division of the territory. Northern Dakota's delegation was authorized by the Fargo conference, the Black Hills delegation by a mass convention of the several Black Hills counties at Deadwood and the Southern Dakota delegation from east of the Missouri River by a convention of delegates elected from all the counties in the district, held at Sioux Falls. These several delegations acted in harmony and yet independently, and all acted in concert with the territorial delegate, Mr. Pettigrew, who had introduced bills for a division of the territory and the organization of the northern half into a territory, the southern half to gain admission as a state or possibly remain as a separate territory, with the name of "Dakota." Had this program succeeded even to the extent of dividing the territory, what became North Dakota would have been named Pembina, for Congress would not have consented to a North Dakota Territory and a South Dakota Territory, and Pembina was the name given in Mr. Pettigrew's bill.

The sentiment of Congress was more favorable to division than to admission of a state at the time. The democrats would oppose the latter as a party measure, but a comparatively large number of that party favored division. (See Tillman of South Carolina.) To what extent this was true was not definitely ascertained except in the instance of a vote in the House, not on the division bill direct but on a vote for the suspension of the rules to permit the Dakota bill to be taken up. This vote disclosed nearly two-thirds the members favorable, and a large portion of these were democratic members. Could a vote on the main question have been secured at the time it would have carried by a substantial majority.

Governor Ordway was in Washington, but was not invited to participate in the deliberations of either of the delegations. He appeared to be acting for him-

self. He had been given an audience by the Senate and House committees on territories, and his views would indicate that he was not prepared to favor any change at the time, though he gave assent to the division and admission plans, if the latter were bulwarked by what he deemed proper safeguards to prevent the extravagance and recklessness of the people in running into debt. It was evident, however, that the governor was satisfied that Congress would do nothing definite at that session and with this program he felt quite complacent and could join in a modest way with the efforts being made by the several delegations.

#### THE NORTH DAKOTA DELEGATION

A convention of representatives from the various counties of Dakota Territory north of the 46th parallel was called to meet at Fargo, on the 4th of January, 1882, for the purpose of pronouncing, in a formal manner, the sentiment of that portion of Dakota in regard to a division of the territory, and statchood for the southern half. All the organized counties north of the 46th parallel, excepting Pembina and Ransom, were represented. General Wilson was chairman of the convention, which after due deliberation adopted the following resolutions:

The convention of delegates appointed from the various counties of Northern Dakota, and instructed to give expression to the views of the people whom they represent concerning the proposed division of the territory, do hereby declare, and

Resolve, That the territory ought to be divided on the 46th parallel of latitude without further delay, because the territory is too unwieldy as now constituted, and the transaction of public business is thereby rendered unnecessarily burdensome, because of the vast tides of immigration flowing into it, following the great lines of rivers and railroads, and all have tended to the formation of northern and southern communities alienated in sympathy and interest; because the population, already ample, is increasing with unexampled rapidity and gives assurance of the speedy unbuilding of two great and populous states within the present territorial boundary, and because the 46th parallel is a natural dividing line and will cut the territory into two nearly equal parts:

Resolved, That the claims of the territory lying south of the proposed dividing line to admission to the Union as a state, are referred to Congress with cordial wishes that the application may be successful, while for the territory lying north of that line, embracing the famous wheat belt of the new Northwest, we ask only separate territorial organization, and the opportunity to develop as a distinct community our vast and varied resources:

Third—That claiming an equal share with our brethren residing south of the 46th parallel in the name under which each part of the common territory has achieved so much of greatness, we protest against any attempt to appropriate it to the benefit of one section more than to the other; and we therefore respectfully ask Congress to confer the titles "North Dakota" and "South Dakota," upon the political structures to be carved out of the common inheritance:

Fourth—That we ask for division anyhow. Whatever else may or may not be done, we are unqualifiedly opposed to the admission of the present territory as a state;

Fifth—That the people of Northern Dakota, in view of the great injustice of further delay in remedying the evils under which they suffer, and the duty of the present government to stimulate the growth of this vast and fertile portion of the territorial domain, are impelled to express the hope that political and personal motives and ambitions will not be permitted to check or defeat the changes demanded by the public good, and so essential to the welfare of the Northwest;

Sixth—That we are not indifferent to the services already rendered in their behalf by Hon. Alvin Sanders, of Nebraska, and Hon. Wm. Windom, of Minnesota, in the Senate; and Hon. R. F. Pettigrew, our territorial delegate, in the House of Representatives, and we respectfully solicit their cooperation with that of all others in and out of Congress who are disposed to do justice to Dakota, and to give effect to the expressed will of a people whose achievements have already shed lustre upon American enterprise and added immensely to the national wealth.

The following, selected as delegates to visit Washington and further the objects expressed in the resolutions, were appointed: Judge A. H. Barnes, Fargo, delegate at large, with Col. P. Donan, as alternate; A. A. Carpenter, C. A. Lomberry, W. F. Steele, George H. Walsh, H. G. Stone, I. S. Fshelman, M. J. Edgerly, A. Klaus, Folsom Dow, H. B. Crandall, Louis Thompson, W. E. Clayton, Judson LaMoure, L. D. Austin, and E. A. Healey.

## THE BLACK HILLS DELEGATION

The Black Hills people, in this movement, co-operated enthusiastically with the other sections of the territory. They were first in the field with a mass convention at Deadwood early in January, 1882, where they adopted resolutions favoring division and admission, setting forth very substantial reasons therefor. Their preamble recited that:

The people of the southern portion of the territory deem it prejudicial to their growing interests not to have the government of themselves in their own hands, especially as after a division of the territory they would still have the area and resources of a large and wealthy state, possessing a thrifty and intelligent population, double as numerous as that of any other territory which has been admitted into the Union, having vast agricultural resources and a mineral region unsurpassed in extent, variety and richness, by any other in the world.

The population of the Black Hills counties is not excelled by any state or territory in the Union in the points of intelligence, education, energy and enterprise. There are not one hundred and sixty acres of land lying all together but what will raise grain or other crops, or which is not equally valuable for mining. Even the alkali lands are turning out to be the most fruitful grain growing lands in the territory. West of the Missouri there are half a million head of cattle. The gold product of 1881, shipped by known routes, amounted to \$4,500,000, to say nothing of those which found their way out by private conveyance. The silver shipments commencing in May, 1881, not of bullion, but of ores for smelting purposes, amount to a large sum. One mill alone shipped \$28,000 as a product for a month. The hills are known to contain gold, silver, copper, galena, and iron; and mica and salt, petroleum and gypsum inexhaustible; and quarries of excellent marble; also coal and asbestos and fire clay. There are also scores of thousands of acres of pine lands which will be needed no doubt in mining operations and in building at home. The largest gold mine in the world and the largest quartz mills are located at Lead City.

The names of the Black Hills delegation to Washington to promote division and admission follow:

G. C. Moody, Samuel McMasters, Dighton Corson, Granville G. Bennett, Wm. Hayden, Seth Bullock, John C. Ryan, W. C. Kingsley, A. J. Knight, C. F. Tracey, Thos. James, C. V. Gardner, T. J. Webster, A. J. Plowman, John D. Hale, J. K. P. Miller, D. McPherson, Thos. Russell, John P. Belding, R. E. Grimshaw, A. C. Marshman, G. B. Schofield, A. W. Hastie, Dr. Dyer, J. D. Woolley, B. G. Caulfield, Wm. R. Steele, Wm. H. Claggett, John R. Wilson, E. G. Dudley, R. C. Lake, John D. Patton, W. H. Riley, A. S. Stewart, W. A. Roemer, Wm. H. Parker, Porter Warner, Dolph Edwards, J. A. Harding, S. McBratney, E. P. Champlin, A. R. Z. Dawson, Wm. Selbie, L. R. Graves, Harris Franklin, V. E. Prentice, Job Lawrenson, S. P. Romans, John A. Garton, John Hermann, A. W. Merrick, all of Lawrence County, and C. H. Clark, Custer County.

## INDIGNATION IN HANSON COUNTY

The convention held in Hanson County to appoint delegates to the South-eastern Dakota convention to be held in Sioux Falls, January 25, 1882, to elect a delegation of citizens residing east of the Missouri River and south of the 46th parallel to visit Washington and aid in promoting the efforts being made for a division of the territory, and statehood for the southern half of the territory, was a mass convention composed of democrats and republicans, and was held at Alexandria on Saturday, the 22d. It was a popular assembly, regularly called, and was largely representative of the sentiment of the people of the territory. Its officers were Eli H. Downs, president, and Hon. James Baynes, secretary. A committee on resolutions was appointed composed of Col. J. L. Davenport, S. E. Stebbins, Wm. H. Lee, chairman county commissioners, M. P. Wheeler, Arthur J. Parshall, secretary of the Army and Navy colony, and Hon. F. B. Foster, a pioneer of the county. The committee submitted a set of resolutions, which were adopted without dissent, and as these resolutions were subsequently referred to as "bogus," by the governor, it is proper to give them a place here together with the occasion of their adoption. They were the beginning of a public expression



of sentiment that embraced practically the territory before Ordway's term as governor expired. The resolutions follow:

Resolved, That we, the citizens of Hanson County, in mass meeting assembled, having full confidence in the integrity and ability of our delegate in Congress, hereby take this method of expressing our appreciation of his energetic efforts to procure the division and admission of Dakota, and pledge to him our hearty cooperation.

Resolved, That we deplore the efforts of our governor to falsify the honesty of our people and our delegate; that we denounce the assertion that our people are corrupt and incompetent of self-government and that our delegate is the head of a ring to fleece and defraud the people through state government, as false and without foundation except in the minds of a clique of carpet baggers who have no interests in common with the people who have come here to make homes by honest toil, instead of subsisting upon the spoils of office; and because the mass of our people fail to place confidence in their pretended honest policy, stigmatize them as corrupt and incapable of self-government.

Resolved, That those of our citizens who attend the Sioux Falls Convention are instructed to have the delegates there chosen to go to Washington, to call upon his excellency, President Arthur, and apprise him of the honest feeling that exists among the people of this territory towards our nonresident and too much interviewed governor; to demand his removal and the appointment of a man whose ideas of honest government are not at variance with those of the people; to the end that there may be appointed a chief magistrate who will work in harmony with our delegate for the prosperity and general weal of the people.

Resolved, That we approve of the division of the territory on the 46th parallel, and the admission of the south half as a state of the Union. Without conceit or self-praise we believe our people are capable of conducting a state government, that there is no "wanton official corruption;" that Dakota has an abundance of competent men to fill all her state offices without necessitating any importations of material for that express purpose, reports and libels to the contrary notwithstanding.

The following committee was appointed to attend the Sioux Falls convention:

J. W. Knapp, James Baynes, Frank B. Foster, M. I. Cunon, Col. J. L. Davenport, Hon. Jerry D. Flick, Capt. J. Gray, W. M. Perry, Arthur J. Parshall, Joseph Starkweather, Lewis Mish, F. A. Durkee, Frank Johnson, M. P. Wheeler, T. D. Wrightson, Carl Eiless, C. H. Huntington, C. Helts, L. P. Chapman, Rev. E. C. Downs, Hiram Bowen, Calvin Potter, Hiram Baughman, Oliver Marsh, George Huntington, Col. E. B. Foster, A. H. Butts, George Hayner, J. H. Sherrill, C. I. Miltimore, John A. Jenks, Hon. Wm. H. Lee, M. E. Conlin, W. Bradley Jones, E. C. Burdick, A. C. Avery, Wm. Casey, E. F. Burdick, John A. Brown, F. L. Bond, A. B. Brown, J. M. Blain, M. A. Brown, S. G. Phelps, H. M. Chapman, Alex. Hinckley, C. H. Randall, S. M. Weiner, S. N. Norton, Alex. McQuarters, W. C. Smith, H. P. Benjamin, I. J. Smith.

The meeting then adjourned.

This was the first formal demand made at a public assembly of the people of the territory, for the removal of Ordway, though the subject had been agitated. These resolutions were intended for presentation to the Sioux Falls convention, and are those subsequently referred to in letters and statements of Ordway and others, but the cooler heads at the convention, apprehending that their adoption might injure the cause of division by giving to the convention the appearance of an indignation meeting, and thus injure its influence, induced the Hanson County delegates to withhold the resolutions, and they were not presented.

#### SOUTHERN DAKOTA CONVENTION AT SIOUX FALLS

The non-partisan convention of delegates from the various counties of Southern Dakota east of the Missouri River and south of the 46th parallel assembled at Sioux Falls, on the 25th of January, 1882. The delegates in many cases had been elected by county conventions; there was quite a full attendance of representatives from every, or nearly every, county. The convention was called to order by E. W. Caldwell, editor of the Sioux Falls Pantagraph, and ex-Governor Newton Edmunds, of Yankton, was elected president, and all the newspaper representatives present were made secretaries, while Rev. Mr. Williamson, of Moody County, was made the official secretary.



Mr. William Cuppett, of Canton, presented a resolution authorizing the appointment of a committee of one from each county represented for the purpose of reporting a list of citizens whom the convention will authorize to represent Dakota in Washington. The resolution was adopted, and the chair appointed the following committee: Aurora County, E. P. Holt; Beadle County, J. E. Elson; Brown County, N. T. Hauser; Brule County, A. G. Kellam; Bon Homme County, Frank Alexander; Clay County, L. H. Barron; Codington County, W. L. Beld; Davison County, S. N. Goodykoontz; Hanson County, F. B. Foster; Kingsbury County, A. E. Oviatt; Lake County, A. E. Clough; Lincoln County, W. M. Cuppett; Moody County, George Rice; McCook County, T. J. White; Minnehaha County, T. R. Kershaw; Turner County, V. P. Thielman; Union County, Anson Bovee; Spink County, John J. Hough; Yankton County, John R. Gamble; Brookings County, Wm. M. Nicholls; Grant County, John R. Eastman; Miner County, T. G. Brown; Hand County, James Bryson; Hughes County, S. M. Laird.

The chair then appointed a committee on resolutions, as follows: Aurora County, S. H. Clark; Beadle, J. H. Alexander; Brown, James Barnes; Brule, P. J. Griffin; Bon Homme, C. T. McCoy; Clay, F. N. Burdick; Codington, L. D. F. Poore; Davison, A. W. Hager; Kingsbury, John A. Owen; Lake, F. L. Soper; Lincoln, Frank R. Aikens; Moody, E. Huntington; McCook, J. T. Norton; Minnehaha, P. S. Free; Turner, J. A. Hand; Union, C. H. Walworth; Spink, John Hough; Yankton, Geo. H. Hand; Brookings, G. N. Breed; Grant, J. R. Eastman; Miner, W. C. Glasscutter; Hand, W. C. Lostutter; Hughes, S. M. Laird.

On motion of General Beadle all persons having resolutions for consideration were requested to hand them to a member of the committee.

Mr. J. R. Gamble, for the committee to select delegates to Washington, submitted a report, naming the following citizens from the various counties named:

Aurora County—C. J. Anderson, Geo. D. Eddy, P. E. Holp, B. H. Sullivan, R. W. Welch.

Brule—S. D. Cook, A. G. Kellam, F. W. Evans

Brown—J. H. Drake, N. T. Hauser, James Barnes, Jr.

Brookings—P. P. Cady, B. J. Kelsey, Geo. W. Hopp, W. M. Nicholls.

Beadle—J. W. Shannon, John Cain, J. H. Alexander, J. H. Nichol, C. C. Hills, W. B. Ingersoll, H. M. Jewett.

Bon Homme—F. M. Zeibach, C. T. McCoy, F. H. Morgan, J. L. Turner, J. L. Camp, Jr., Geo. W. Snow, M. H. Day, Frank Alexander.

Clay—J. P. Kidder, M. D. Thompson, W. F. Carr, F. N. Burdick, Charles Land or Lund, Al Newton, Gus Morgan, E. B. Dawson, L. H. Burrow, S. J. Lewis, John L. Jolley, A. E. Lee.

Codington—L. D. F. Poore, L. M. Thomas, P. V. Eddy, Wm. H. Donaldson, W. G. Bone.

Clark—S. J. Conklin.

Davison—Wm. H. Barber, M. H. Rowley, J. M. Washburn, S. C. Burr, A. W. Hagar, H. C. Greene, W. H. Knowles, S. F. Goodykoontz, S. W. Rathbun.

Grant—John R. Eastman, John W. Bell, A. H. Lewis, A. J. Bessor.

Hamlin—John M. Hoyt.

Hughes—S. M. K. Laird, Fred Pfotenbauer, Geo. W. Smith.

Hutchinson—Andrew Schatz, Hiram Bowen, Wm. B. White, F. J. Eisenmann, G. W. Matthews, Sheriff Douglas.

Hanson—James Baynes, John L. Davenport, F. B. Foster, Jerry D. Flick, Arthur J. Parshall, Joseph Starkweather, T. D. Wrightson, Col. E. B. Foster, W. H. Lee, Alex Hinkley, H. P. Benjamin.

Hand—James Bryson, W. E. Miller.

Kingsbury—John A. Owen, T. F. Maguire, C. H. Starling, A. D. Oviatt, Edward Brinkley.

Lake—W. F. Smith, A. E. Clough.

Lincoln—O. S. Gifford, F. A. Gale, J. W. Carter, J. W. Taylor, A. R. Brown.

Minnehaha—Edwin Sharpe, A. Frizzell, Wm. VanEps, Herman Gilbert, E. W. Caldwell, C. H. Vincent, G. A. Uline, C. H. Winsor, Melvin Grigsby, D. S. Glidden, T. S. Emerson, B. F. Campbell, L. M. Esterbrook, A. M. Flagg, J. R. Jackson, A. T. Fleetwood.

Moody—Frank T. Whalen, E. Huntington, T. E. Carter, F. W. Pettigrew, J. A. Scammon, Thomas Hoskins, A. P. Allen, Levi Gray, Nathan Vance, T. M. McConnell.

McCook—John F. Norton, J. H. Shannard.

Spink—C. H. Meyers, Col. E. W. Foster, F. J. Foster, J. B. Kelley.

Turner—James A. Hand, Joseph Allen, P. H. Turner, Charles Hackett, Vale P. Thielmann.

Union—C. H. Walworth, C. W. Beggs, Geo. R. Freeman, M. W. Sheafe, Alexander Hughes, C. F. Mallahan.

Yankton—Newton Edmunds, Bartlett Tripp, Rev. Joseph Ward, W. H. H. Beadle, S. B. Coulson, Geo. H. Hand, J. R. Hanson, J. C. McVaty, J. R. Sanborn, W. S. Bowen, A. W. Lavender, R. J. Gamble, M. A. Baker, M. P. Ohlmann, J. B. Wynn, C. C. Valentine, S. A. Boyles, A. F. Hayward, Ole Sampson, E. G. Smith, W. S. Lyon, J. W. C. Morrison, S. H. Gruber, Maris Taylor, Chas. H. Bates, G. A. Wetter, Frank L. VanTassell, G. W. Kingsbury.

On motion of General Beadle, the delegates appointed were authorized to appoint proxies. The committee on resolutions, by their chairman, George H. Hand, then reported the following resolutions:

Whereas, Propositions are now pending before the Congress of the United States looking to the division of the Territory of Dakota on the 46th parallel of north latitude, and the

admission of the southern portion thereof into the Union as a state on an equality with the original states; and

Whereas, The representatives of the people of Southeastern Dakota, irrespective of party, have assembled in convention at Sioux Falls this 25th day of January, 1882, for the purpose of considering these measures and expressing their views thereon; and

Whereas, It is the opinion of this convention that this division of the territory as proposed, and the admission of Southern Dakota as a state, is demanded by equity and considerations of justice and regard for the general welfare of her people; therefore,

Resolved, That this convention most respectfully joins in the appeal to Congress made by the people of the northern and western portions of Dakota, which is now being earnestly urged by delegations from said sections.

Resolved, That it is the sense of this convention that the questions of division and admission are in no wise partisan questions but are earnestly advocated and demanded by the people of the territory as a matter of right, irrespective of party, creed or sect; that our geographical position, our lines of inter-communication between the north and the south, and the natural outlets of commercial intercourse with the great centers of commercial traffic in the east are such as to justify and demand the division aforesaid.

Resolved, That we heartily endorse the bill now before Congress introduced by our delegate, for the admission of Dakota as a state, believing that our people, with a few miles of railroad, with almost unlimited agricultural and mineral resources, with a country unsurpassed in fertility by any state in the Union; with telegraphs, manufactories, banks, newspapers, churches, colleges, schools, and all the outgrowths of civilization; with every probability of rapid progress in population, wealth and culture, should be allowed self-government through their constitutional right as American citizens.

Resolved, That it is the opinion of this convention that the portion of the territory lying south of the 46th parallel, and which it is proposed to erect into a state, should be called "Dakota." It is the oldest and most thickly settled portion of the territory, and contains by far the greatest number of inhabitants. We, therefore, join in the request of our friends living north of the 46th parallel that the territory proposed to be organized there be called "North Dakota," but earnestly pray that the new state may be called "Dakota," as proposed in the act now pending before Congress.

Resolved, further, That a just consideration of the rights and wishes of 200,000 people now residing south of the 46th parallel, and the unanimous desire of the 60,000 residents north of that line, demands that this appeal to Congress for division and admission should not be unheeded; that as American citizens, imbued with a deep love of the cardinal principles of liberty and self-government, we are as one man in respectfully demanding that the division asked for be accorded, and that we be relieved from the burden of a local government that is in the main imposed upon us without our consent, and that is repulsive to our intelligence and obnoxious to those principles of self-government guaranteed by the fundamental law of the land.

Resolved, That the delegates of this convention, this day elected to represent the people of Southeastern Dakota before Congress on the questions of division and admission, be and they are hereby instructed to use all legitimate and proper means to accomplish that end, and render all the aid in their power to assist our delegate in Congress to secure the passage of the enabling act he has already introduced.

Following the adoption of the resolutions, the convention adjourned.

While the delegation chosen to visit Washington was a numerous one, it was expected that only a small portion of the members would go at the same time. The session of Congress would hold for several months, and it was desired to keep a citizens' delegation there as long as the Dakota bills were pending. Few could spare the time to remain more than a week or two, and by arranging the matter of attendance among themselves, a representative body of bona fide Dakota people could be at the capitol to oppose the governor's one state schemes, and promote the measures desired by the people. It was also a feature of the plan to select delegates who had a personal acquaintance with some of the members, formed before coming to Dakota, in the state from which the delegate had removed. This was found to be very advantageous, and while the republicans were in the majority in the conventions, especial pains were taken to give the democrats all the delegates they desired, for it was the democratic members of the House that could render the most valuable aid. The outlook for success was so promising in 1882 that several members expressed their conviction that the Dakota bills could be passed if a vote could be reached.

## CHAPTER CVI

### THE PEOPLE CALL A CONVENTION

1883

DAKOTA DELEGATIONS BEFORE CONGRESS—SENATOR WINDOM REPORTS FAVORABLY AN ADMISSION BILL—DAKOTANS UNITED—DAKOTA AND THE TARIFF—THE NEW YORK HERALD AGAINST DAKOTA—THE TRIBUNE IN FAVOR—ORDWAY'S REMOVAL PETITIONED FOR—GENERAL BEADLE GIVES HIS VIEWS—BEADLE'S CENSUS OF 1882 AS SCHOOL SUPERINTENDENT—PRO AND CON—NEWSPAPER TALK—DIVISION SAID TO BE CERTAIN IN 1882—ADMISSION DOUBTFUL IN 1883—DELEGATE RAYMOND'S VIEW—A BRIEF REVIEW, 1883—STATEHOOD WITHOUT CONGRESSIONAL ASSENT—PEOPLE'S MOVEMENT FOR STATEHOOD, 1883—DELEGATE CONVENTION AT HURON.

The several delegations from Dakota were given audiences by both the Senate and House committees on territories. The respective claims to division and statehood were very ably and satisfactorily presented, and it was notable that up to the time these hearings were had and concluded, the committees seemed inclined to favor division. The question of admission of the southern half as a state was viewed more from the partisan standpoint, and the democratic members of the committees were expected to oppose it at this time.

Governor Ordway accompanied the delegations in their audiences before the Senate committee. He also made a brief speech, during which he said he did not see why the north and south could not be joined by railroads and other lines of traffic, and have one great state. However, as the lines at present tended to division, and there was no present prospect of bettering matters in respect to joining the two sections, he thought division should be consummated, and both the division and admission bills perfected. He also urged the placing of safeguards in the measures to protect the people from reckless extravagance. The governor was the only spokesman from any section that did not place the matter of division as the one most important to be attained; and he appears to have conceded more in that direction on this occasion than on any other occasion before or afterward. He went before the House committee during January, 1882, and presented his opinion regarding the bills introduced, and others pending, by Mr. Pettigrew; one bill for the division of the territory, and a separate measure for the admission of the southern half of a state. Mr. Pettigrew had provided in his state bill that the three district attorneys within the new state boundaries should define the boundaries of the legislative districts. As these officers were elected by the people, it was the fairest selection that could have been made and very satisfactory to the people.

The governor urged that the bill be amended to compose this board of the governor, chief justice, secretary, auditor and treasurer, which as matters stood at the time would have given Ordway control of the board, and would not have been satisfactory. The board would have two of Ordway's appointees in addition to himself and the chief justice, who at the time was seeking reappointment, backed by the governor. This move was characteristic of the governor. He desired to be recognized, and to have it conceded that he was one of the leaders in Dakota. He was as vain as a peacock and as stupid as an ostrich in seeking



to promote his own popularity. There was a general feeling that he could not be trusted; that he would readily sacrifice the people's interests to promote his selfish ends. He had come to be regarded in the light of a public enemy in the territory. Governor Ordway was admitted to the bar of Dakota during the closing days of Judge Shannon's term as chief justice.

The chairman of the Northern Dakota delegation, Judge Barnes, stated on his return to Fargo from Washington:

Mr. Pettigrew labored with us most faithfully and earnestly, and is doing all he can to secure both division and admission. As to the governor, there is very little doubt that he is opposed to both division and admission. We felt this in various ways, and the feeling was pretty general, I think, with all the delegations that it would be to the credit of the governor and the interest of Dakota, if he would attend more strictly to his duties as executive, and let the delegate look after the legislative interests of his constituency without interference from the governor.

#### NORTH DAKOTA'S STATEMENT TO CONGRESS

The accompanying statement regarding the conditions and resources of what was termed Northern Dakota in territorial days, being that part of the territory north of the 46th parallel, was made to the Committee on Territories of the United States Senate on the 21st of January, 1882, by the delegation of citizens of that section, Judge Barnes being chairman, who visited Washington for the purpose of promoting a division of the territory. The statement follows:

On the 4th of January, 1882, there assembled at the City of Fargo, in North Dakota, a convention composed of sixty-six delegates. Every organized county in that portion of the territory lying north of the 46th parallel was represented by delegates chosen in their respective counties. The purpose of the convention was to determine upon a line of action which would be most effective in calling the attention of Congress to the prosperity, and necessity, for a division of Dakota Territory. In that convention every voice was for division. Twenty-two delegates were chosen to lay this question before your committee, together with such facts as might bear upon the subject. These facts may be briefly stated.

The Territory of Dakota as now organized has an area of 158,000 square miles. That portion lying north of the 46th parallel for which we ask a separate territorial government, has 78,000 square miles, while New York has but 47,000; Pennsylvania, 40,000; Ohio, 30,000; and all New England, 68,346. The population of the territory proposed amounted to 134,080 by the census of 1880. From the most reliable source, the amount of public land taken, and our knowledge of the growth and development of the country, and the rapid extension of railway communication, we believe we are warranted in claiming a population of at least 60,000. There has been entered at the United States Land Offices in North Dakota for the year ended December 31, 1881, 2,304,000 acres of public land. On the 1st of January, 1882, there were 580 miles of railroad built and in operation; 191 miles of graded railway ready for the superstructure, and 316 miles under contract to be completed the current year. The acreage under cultivation in 1881, from the best estimates obtainable, was 600,000, and from statistics gathered from elevators and millers, the product of wheat alone is estimated at 8,000,000 bushels. During the season of 1882 the number of acres to be cropped will exceed 800,000. Dealers in agricultural implements report sales for 1881 amounting to \$1,750,000, and dealers in lumber, \$1,000,000. The population is largely agricultural, made up of immigrants from New England, New York, Michigan, Pennsylvania, and the North-western states. The foreign population is mainly from Canada, Norway, Sweden and Germany. The industries are mainly agricultural and pastoral. It is estimated that 98 per cent of the lands are adapted to agriculture. The soil is peculiarly adapted to cereals, while the grasses are the most nutritious in the world.

There are in North Dakota ten national banks, including two just organized, and sixteen private banking institutions. There are twenty one flouring mills, forty-nine church structures, and a large number of church organizations which contemplate erecting places of worship another season. There are 130 schoolhouses, and five daily and twenty-four weekly newspapers. Bonds have been issued by counties for the purpose of erecting five court houses. These bonds bear 7 per cent interest and have in every instance been sold at a premium. No bonds have been issued in Northern Dakota to aid in the construction of any railroads. Three counties only, namely: Burleigh, Pembina and Cass, have issued bonds for funding county indebtedness, but in no case over fifteen thousand. In every instance where bonds have been issued, no question has ever arisen as to the proceeds having been honestly applied to the purpose for which they were issued, and in every instance these bonds have been sold at a premium.



There are upwards of one thousand miles of navigable water in North Dakota. On the Red River of the North there are sixteen steamers having an average tonnage of 110 tons to the boat, and twenty-one barges averaging thirty tons. On the Missouri River there are twenty-two steamers having a capacity of 350 to 700 tons each.

North and South Dakota are two distinct sections, differing as widely in their products and aims as Minnesota and Missouri. There exists no bond of commerce between them, the trade of North Dakota finding its outlet through St. Paul, Minneapolis and Lake Superior; and that of Southern Dakota being tributary to Milwaukee, Chicago, and St. Louis. All railroads enter the territory from the east, and traverse it in west or northwesterly directions, affording no inter-communication whatever between the north and the south, and making it almost as great a task to reach Yankton from Bismarck or Pembina, as to make a trip from Bismarck or Pembina to Washington.

The geographical divisions of the Territory of Dakota are such that but one judge can be assigned to Northern Dakota. That judge is required to hold fifteen terms of the District Court, two terms for the transaction of United States business, and to attend two terms of the Supreme Court. The labors thus required of one judge are more than twice what should be required of him. It is proper here to state that from east to west this judicial district, where courts by law are required to be held, is now over two hundred miles; and from north to south, 210 miles; that to reach the capital of the Territory at Yankton, the judge from North Dakota must pass through Minnesota and Iowa, making the distance from where he resides to where he must attend the sitting of the Supreme Court, 600 miles, or 2,400 miles each year, and suitors attending the Supreme Court who live upon the Missouri River in northern counties, must travel 800 miles, or 3,200 miles in going and returning, to attend two terms of the Supreme Court in each year. These facts will apply with equal if not greater force to members of the Legislative Assembly. It is sometimes urged by those unacquainted with the territory, that the litigation of the territory is comparatively unimportant. This is a great mistake. We are upon the western border of the great agricultural producing region of the Northwest. Here are made enormous contracts for supplies of all kinds for the military posts and the Indian reservations. These contracts are often divided and subdivided, and out of these transactions there is much and important litigation. Then, too, from the mining districts of the Black Hills there is a great deal of litigation, and the amounts in controversy sometimes reach a million of dollars.

A delegation of Dakotans sojourned at Washington during the short session of Congress of 1882-83, for the purpose of promoting the division and admission bills, but late in February departed for their homes convinced that nothing could be done during the limited life of that Congress, which would expire March 4th, and with it the Dakota bills, without definite action. It would seem that the effort of the friends of admission to push that measure was an error, considered in the light of the fact that the democrats were earnestly opposing it on party grounds because of its influence in the forthcoming presidential election, and were strong enough to defeat it. But division might have been carried had its promoters been authorized to withdraw the measure for admission. It is somewhat surprising that such an arrangement was not readily agreed to and division accepted. The vote had in the House in 1882 over a suspension of the rules when the Pettigrew division bill was up, when nearly one-fourth of the members were absent, denoted that the popular branch was strongly in favor of the measure.

The next Congress, it was known, would be controlled by the democrats, and the fall elections of 1882 had shown surprising democratic vitality all through the United States, Grover Cleveland, comparatively a new leader in the democratic army, having been elected governor of the great State of New York by a majority of nearly a quarter of a million.

The Senate Committee on Territories reported the Dakota admission bill, introduced by Senator Windom, about March 14, 1882, accompanying it with a very favorable statement, but found one important item lacking, which was referred to in the committee's report, as follows:

The correctness of the numerous representations made by the numerous body of citizens of Dakota who have given information to the committee, has not been questioned. The only difficulty is in the matter of population. While there exists nothing in the form of law or usage to determine the qualifications of statehood in this respect, yet there appears to be a disposition to not admit any more territories as states unless they can show a population equal at least to the ratio of representation existing at this or any future time. The statements made appear to justify the belief that the portion of Dakota seeking admission as a

state exceeds the number required. The increase of population has been so rapid that the figures of the census of 1880 have to be abandoned and the correct data obtained from other sources. The United States land offices show by filings and proclamations and other such entries since the census of 1880, that the increase in the agricultural portion of the country amounts to 59,320 people. At the time of the census in June, 1880, there were 100,000 persons, exclusive of Indians, residing within the proposed state. Add to this the reported increase, and we have a population of 150,000, and it is evident that the records of the land office do not show the total increase. But to reconcile all difficulties on this point, the bill has been amended, providing for a census of the proposed state, and making it show the requisite population.

The Senate Committee on Territories was instructed to report a bill to provide for taking a census of Dakota Territory; but General Beadle's prompt action in the matter in taking his school census, and the eminently satisfactory methods he pursued, made a federal census unnecessary. And it may with propriety be mentioned that the enterprising Dakota superintendent saved to the Government from \$10,000 to \$15,000, which it would have cost, had the Government performed the work with its customary expensive methods.

#### DAKOTANS WERE UNTILD

The newspapers of the territory, both republican and democratic, stood together on these questions. Democratic leaders and republican leaders were as one party and favored both division and admission. Bartlett Tripp at the time was the acknowledged leader of the democratic party and so recognized within and without the territory. He was found to be one of the ablest promoters of statehood (and that was the ultimate object of all these movements), and he became in this contest a leader of both parties. In a letter to the chairman of the republican committee, who at the time was engaged in arranging a non-partisan convention to consider these subjects, Mr. Tripp wrote:

I am frank to say as to myself, I am in favor of the movement, and will do all I can to aid division, as you suggest, and admission as a state, and I believe the movement will meet with the general approval of both parties.

Dakota was the subject of much discussion in the leading metropolitan newspapers in 1881 and later. Whether fortunately or unfortunately, Dakota was politically a strong republican community, and its incoming thousands were largely of that political belief; this fact had aroused the antagonism of many of the prominent democrats in Congress and some prominent democratic newspapers, to its admission into the Union as a state, at least not until after the next presidential election, which would occur in 1884, and the auguries favored the success of the democrats, as viewed from their standpoint. If admitted before that event it would add to the strength of the republican side, and this was plainly and openly avowed by some of the leaders who were noted for their frankness on all occasions. This kind of opposition was nothing new. And while it was decried as an unworthy motive to govern the action of a great party in matters of such grave moment involving the constitutional rights of a free people, it will be observed that no statesman of any day ever sacrificed his standing or influence in his party by yielding fealty to the method. It had been the practice for scores of years whenever a new state applied for admission, and before the Civil war it was the custom to set up a democratic state and a whig state, as candidates for admission at the same time, and by admitting them both, keep the political character of the Senate unchanged.

#### DAKOTA AND THE TARIFF

Since the great Civil war the republicans had been in control of both the Senate and House practically all the time, and also of the presidency, and were able to do with such matters as they deemed best. And while the political com-

plexion of the Senate and also of the House by a very narrow margin might favor Dakota at this time, there were other questions that seemed to require mature deliberation. First, whether it was best to divide the territory, thus providing for the admission of two more western, and probably republican, states, at an early day. This phase of the question provoked a sectional feeling, and eastern statesmen were not inclined to view it without unpleasant apprehensions. The West had been discovered to have a growing partiality for a modification of the tariff, a matter which the East considered of paramount importance as affecting the prosperity and development of the industries of the country, which belonged to the East in large part, and the republican party was pledged by its platform and also by its traditions and practices, to defend and preserve it. While these apprehensions might have been removed, and were later, they had their weight at this time when the political complexion of Congress favored Dakota, in restraining many republican leaders from taking any active part in promoting Dakota's division or admission. Senator Hale, of Maine, was opposed to doing anything for Dakota until Yankton County made provision for the payment of its railroad bond debt, the First National Bank of Brunswick, Maine, being the holder of \$10,000 of the bonds, and he kept the Senate in painful turmoil all summer in his efforts to show that the Senate might on such occasions convert itself into a collecting agency. Thus the golden moments were consumed, without advancing Dakota one step nearer its desired goal.

An article appeared in the Chicago Tribune in November, 1881, that reflected the Dakota situation just about as it existed. The Tribune, however, was favorable to one state for the entire territory, but this cut no figure with the argument of this article, which would apply as well to two states as one. The Chicago Tribune's article follows:

It is already apparent that the question of the admission of Dakota into the Union will be one of the most important subjects before the Forty-seventh Congress (1881-2). If the democrats shall attempt to defeat or postpone the Dakota bill, as it is now said they are resolved to do, the contest over it may easily assume a significance which will make it the chief measure of the session. As the contests over the admission of Arkansas and Michigan, Florida and Iowa, California and Oregon, and the settlements for conditions of the territorial governments of Kansas and Nebraska made successive sessions memorable before the war, it is possible that the Dakota question may be the engrossing topic of debate the coming winter.

Southern jealousy of northern aggrandizement is again cropping out, and though there is no longer the old reason for resisting the admission of a northern state without a southern make-weight, there is still enough sectional feeling left to make southern opposition probable. In the case of Dakota, also, there is a new kind of opposition which none of the anti-slavery states had to encounter. We observe, for example, that the New York Herald objects to the organization of a new state in the West, and in so doing exhibits an amount of rancor which can only be the product of sectional prejudice. There seems to be a distinct effort to array the East against the West on this question, as if all the divisions of our common country did not have an identity of interests in the welfare of every part of it.

The attempt to excite the prejudices of the East, and by means of them secure the exclusion of Dakota for a brief period, will not succeed. Neither the East nor the South has anything to gain by denying justice to Dakota. The democratic party itself would better make a virtue of necessity instead of, by seeking to postpone the evil day, making the great empire soon destined to grow up in the territory a republican state or states for all time. Iowa and Michigan, with their splendid republican delegations in Congress, are monuments to this day of democratic perfidy in keeping them out of the Union when they had the moral right to come in.

The Herald, in the article to which we have referred, shows a curious unwillingness to tell the truth about Dakota. It compares this vast and fertile territory—having twice the area of Pennsylvania, and the capacity for supporting a population of several millions—with sterile Nevada, a barren, mountainous region, worthless except for its mines and for its pasture lands. But in the year 1879 Dakota produced 3,000,000 bushels of wheat, 2,000,000 bushels of corn, 2,300,000 bushels of oats, and other grains in proportion. In the two years which have since passed its resources have been rapidly developed, and it is probable the crops of next year will be double those of 1879. This is a record of which any young state might be proud. It is sufficient testimony to the ability of the state to support a large population.

With reference to population, Dakota has a better showing to make than most of the states could offer when they were admitted. It has a larger population now than eight of



the thirteen states when the union was formed, two thirds the population of New York at that time. It has thrice the population of Nevada, which has been a state since 1864. At the last election it cast 28,091 votes, while Delaware cast only 29,408 and Nevada only 21,660. Before it can be admitted with the hastiest action Congress can give it, Dakota will have 200,000 inhabitants, if it has not that number already. Compare this claim to statehood with these of the following states when they were admitted:

Arkansas, in 1836. Population in 1840, 97,574 by United States census.

Florida, in 1840. Population in 1850, 87,445 by United States census.

California, in 1850. Population in 1850, 92,597 by United States census.

Oregon, in 1859. Population in 1860, 52,465 by United States census.

Kansas, in 1861, 107,206 population in 1860.

Nevada in 1864, 52,491 population in 1870 by United States census.

Nebraska, in 1867, 122,993 population in 1870 by United States census.

Immigration is rushing into Dakota from all quarters. It is now as much sought by settlers as Kansas, Nebraska and Minnesota formerly were. The only large tracts of unoccupied fertile lands remaining in the country are found in Dakota, and its attractions are of such an unusual character that it may be reasonably expected to have by 1880 a population of 800,000 or 900,000. Its growth will almost certainly be the phenomenon of the decade, and the wonder of the next census will be the record of its development.

An attempt to keep such a territory out of the Union will be futile. It will react upon the heads of its authors. If by chicanery or ignorance the admission of Dakota should be delayed for one session, it would be impossible to keep it out longer. Its demand is already imperative. Congress would best accede to it at once. The Government and the people of the United States have no right to deny representation in Congress to 200,000 people. The Dakota question will have no pity for the repose of the nation until it is settled.

The New York Tribune was also an earnest advocate of statehood for Dakota, as the following editorial in its columns in November, 1881, will testify:

The democrats in Congress will make a partisan blunder if they oppose the admission of Dakota as a state. Dakota's claim to come into the Union is just as valid as was that of Colorado, Oregon, Nebraska or Minnesota, when those communities were invested with self-governing functions, and a great deal more valid than was that of Nevada. If it is resisted by the democrats the real motive of their opposition will be their belief that two senators from the new state will be republican. They may talk about "rotten boroughs" as much as they like, but everybody knows that they would be eager to admit any territory with half the population Dakota has today if they could be assured that it would send democrats to represent it in Congress.

There ought to be no question of party politics involved in the admission of a new state. To enlarge the sisterhood of states by the admission of a new member is too important a matter to be decided from the low point of view of party interests. If there is any domain of statesmanship that lies above the field of partisan contests and prejudice, it surely ought to embrace an affair of such great interest and lasting consequences as the endowment of a body of new settlers upon our western frontier with all the rights possessed by the oldest states of this Union. Yet the democratic senators, at the first intimation of an intention on the part of the inhabitants of Dakota to prefer their plea for admission next winter, are threatening to make the question a party issue, and create a deadlock to prevent a vote upon it. Such an action on their part would only strengthen the conviction of the country at large that the democratic party is incapable of treating a great public question with even a tolerable degree of fairness.

The claim of Dakota to admission is a peculiarly strong one. At her last election she cast 29,091 votes, while Delaware cast only 29,408, after nearly a hundred years of state existence, and Nevada, which has been a state for twenty years, cast only 21,660. Dakota is not a pocket state like Delaware, incapable from its diminutive size of attaining further growth, or a collection of precarious and shifting mining camps like Nevada. She can justly be compared with such great agricultural states as Iowa, Minnesota and Nebraska. There is nothing to check her further growth to a population of four millions. Her development during the last decade from a hunting ground for wandering tribes of savages to a stable and prosperous civilized community, with cities and towns, schools and newspapers, vast areas of well tilled farms, and over 2,000 miles of railroads has furnished an admirable example of the expansive forces of American society. A domain which the most powerful monarch in the Old World would be proud to acquire has been conquered from nature by a peaceful invasion of farmers and mechanics.

In June, 1880, the census takers found 134,504 people in Dakota. The immigration of the summer and fall of 1881 and the whole of 1882 has increased and brought the population up to 175,000. The territory is much too large, however, for a single state. The area is as large as the states of Massachusetts, Connecticut, New York, New Jersey, Pennsylvania and Ohio combined.

The proposition which will be brought before Congress next winter will be to take the southern half of the territory, or perhaps only the southeastern section, and erect it into a



state, providing the remainder with a territorial government. If the smaller area suggested is decided upon, the new state will have an acreage greater than that of the State of Pennsylvania, and a population at the outset of over 100,000. Before she can exercise any power in national legislation her population will be equal in numbers to the average constituency of a member of the House of Representatives from the older states, and by the time she has an opportunity to throw the weight of her electoral vote into the scales of a presidential election it is safe to predict that her voters will outnumber those of either Colorado, Oregon or Delaware, as they already do those of Nevada. There can be no good reason urged for making a community so vigorous, intelligent, expansive and prosperous wait longer for the privilege of governing itself.

There was considerable feeling aroused in the minds of all the delegations from Dakota who had been sent to Washington in the interest of the division of the territory, by the officious and meddlesome course pursued by Governor Ordway, who was there and persisted in being heard on the questions of admission and division which were then under consideration by Congress. He was not in accord with any of the delegations and was suspected of being secretly opposed to any change whatever, but professed to be friendly, with an ulterior purpose of gaining a place in their councils that would entitle him to recognition as a representative of the territory, when the truth was he had been purposely ignored by all sections. He was not ready for any change whatever at the time. The governor's officiousness became so pronounced, especially in his efforts to supplant the delegate elected from the territory, that the southeastern delegation, at a meeting held a short time before leaving Washington, for the purpose of closing up their business, adopted a resolution requesting the removal of Ordway, which was presented to President Arthur. This resolution follows:

Whereas, it is the earnest desire of the people of the Territory of Dakota south of the 46th parallel that such part of said territory should be formed into a state and admitted into the Union; and

Whereas, N. G. Ordway, the present governor, has at sundry times and in divers ways, through self-sought press interviews, his annual report to the secretary of the interior, and his letter to the President of the United States, represented the people thereof as irresponsible, and the Legislature as mercenary, and that an alarming financial and political condition exists therein; and

Whereas, By such representations the said Ordway has grossly defamed the people of the said territory and has greatly damaged the material interests of the same; has left his post of duty at the capital of the territory to give his entire time and attention to opposing admission while pretending to favor it. Therefore, be it

Resolved, That we, the delegates appointed by the convention of 500 members, representing all of the old counties comprising the proposed new State of Dakota, most respectfully and urgently recommend his immediate removal; and be it further

Resolved, That this delegation go as a body to the President of the United States and ask for the removal of the governor of the Territory of Dakota, as a measure of common justice to the people of said territory.

B. F. CAMPBELL, Chairman.

EUGENE HUNTINGTON, Secretary.

Washington, February 9, 1882.

The delegation, numbering about seventy persons, called upon the President, and after presenting the resolutions for his consideration, retired with the understanding that he would meet the committee at a later day.

Mr. Leighton Wynn, a member of the South Dakota delegation, speaking of this action after his return home, stated that the resolutions were passed as stated; that they were introduced at the meeting rather unexpectedly to many of the members, and were adopted by a vote of 51 to 13. He added that he thought that a majority of those present would rather the resolutions had not been introduced, but would not vote them down after they were in, because such action would be taken as an endorsement of the governor's course. A committee presented them to the President. No further action was taken.

#### GENERAL BEADLE PRESENTS HIS VIEW

Gen. W. H. H. Beadle, who was superintendent of public instruction in 1881 and later, contributed the following review of the division and statehood

questions—the two subjects that were then absorbing the largest share of public attention and general discussion.

The movements toward territorial division and statehood here at home have been unduly surpassed and left far behind in appearance by the larger movement at Washington. Such, at least, seems to be the general view of the two. The same opinion was freely expressed in aspect. It is said to be partisan, and to spring from a desire for two more republican senators; such is the inspiration of the dispatches. It may be well to inquire whether this declared motive may not assure delay. It is not enough by itself to justify statehood. There should be abundant and convincing reasons in the nature of things, in our population, resources, condition and needs. It will doubtless be shown that in each and all of these views there are sufficient reasons for the early admission of Dakota into the Union. We move rapidly to that result.

We write to challenge attention to the real question presented. As presented from Washington the idea merely sees a state admitted, and makes the two senators of this state the chief feature of the event. That same view is followed quite too far in Dakota. Some have treated that political fact as the end and aim of statehood, and the reflex advantage is to come from the great power and influence these senators will have at Washington, the voting for President, the dignity, and "a' that." This is the view of the present interest largely. We lack a just influence while a territory. Dependent largely upon the general Government we get little attention from it, and feel that if we had two senators this would be improved. But the moment Dakota becomes a state this dependence upon Washington ceases. The state attains most of the powers that now come from the United States. The sovereign state assumes all the administration of its affairs, and holds the same relation to the United States that other states do. The real questions of interest in statehood are home issues, domestic matters, institutions of every kind and the permanent welfare of the people.

The Washington view sees two more senators; the counterpart at home is the creation of a state; the security by constitution of the liberties of the people against every future shock. A state must conciliate a boundless private freedom with public order and authority. It must guarantee progress and prosperity by means of wholesome restrictions upon power, corporate and political, by economic methods, and simplicity instead of extravagance and grandeur; and the state must, as its chief duty, secure all this and social, civil, moral and intellectual advancement by broad, permanent and certain provisions for education—the education of the children of the entire state. The organization of the state will affect us permanently; the two senators can be changed in a few years if a state is made. Manifestly our great interests are in the state constitution, its delegations and limitations of power. Toward that and the many separate questions that will arise in doing it our chief attention should be given. Every one of these leading issues should be twice acted upon by the people—first, in selecting and instructing their delegates to the convention; and, second, in voting upon the acceptance or rejection of important provisions.

We have an intelligent people. Let the state be formed by them intelligently, deliberately and wisely. Toward this end the question of first importance is the question of representation in the constitutional convention. That body has great power and consists of but one house. Therefore it should have a large membership, not less than 100, and probably 150. In no other way can all communities be represented. There is no safety in the small number proposed in some bills introduced in Congress. The people should now by petition demand a change in this respect. Much, perhaps all, in the character of the future state depends upon this. The probabilities, at least, are decidedly better with a large convention.

The chief material interest the convention will handle will be the school, university and other state lands. The welfare of the people, the honor of the state and its future character are involved in the handling of the school and university lands. Some states have written the darkest page in their history in the indifference of a convention which wasted the proceeds of the lands. They are reserved for the permanent common welfare. Their full value should be secured to this end. Another vital issue is, shall the constitution prohibit local and special legislation? From the people we believe there will be but one answer—that it shall. What limitation shall be placed upon corporate powers? How shall the judicial power be located and then judges chosen? Shall we have long terms and appointment; or short terms, with the candidates involved in every political election? These and many other issues are before the people, and we hope will be discussed.

W. H. H. BEADLE.

#### CENSUS TAKEN BY SUPERINTENDENT BEADLE

The subjoined table, giving an official school district census of the population of each organized county of Dakota Territory, and the number of voters, was made up by General Beadle, the territorial superintendent of public instruction, in connection with the school district census of 1882, and besides affording a basis for the representation in the different territorial and state conventions held during

that year, was intended to supply Congress with this information, which that body had manifested such a desire to obtain, that a bill authorizing the taking of a census for that year had been reported by the Senate Committee on Territories, authorizing and providing "For a census of the population of Southern Dakota during the summer of 1882, and further, that if the population is sufficient to entitle that part of the territory to a representative in Congress, it shall be admitted as a state; the present territorial government to continue and the territory to be called North Dakota."

Amid the pressure of other business and considerable opposition from Senator Hale, of Maine, and Senator Vest, of Missouri, this measure failed of enactment. The table, however, may be regarded as reliable, tested by subsequent events. It was the work of the territorial superintendent, General Beadle, who had taken extraordinary pains and adopted the most judicious methods to secure a census of each school district, availing himself of land office statistics, the organization of new counties, and whatever source of reliable information he was able to reach. It was subsequently ascertained that his figures were near the correct mark. The unprecedented immigration resulting in the organization of seventeen new counties since the federal census of 1880 was taken, fully justified this enumeration, which enabled the friends of division and admission, the political conventions, and even the Legislature, a reliable basis from which to work satisfactorily and harmoniously. One of the hindrances alleged by many senators and representatives was their ignorance of the population of the territory, and particularly of each division—north of the 46th parallel and south of it, Congress having a bill for statehood at that time before it, and another bill asking a territorial government for the north half.

Name of County	Pop. July 1, 1882	No. Voters
Aurora .....	1,500	375
Barnes .....	4,000	800
Beadle .....	4,200	840
Bon Homme .....	5,000	1,134
Brookings .....	6,465	1,293
Brown .....	5,950	1,190
Brule .....	2,100	420
Burleigh .....	3,782	1,262
Cass .....	12,098	2,598
Charles Mix .....	578	116
Clark .....	1,102	208
Clay .....	5,201	1,040
Codington .....	5,093	1,138
Custer .....	1,595	574
Davison .....	2,512	638
Day .....	700	175
Deuel .....	3,521	704
Dickey .....	700	175
Douglas .....	1,000	250
Foster .....	700	175
Grand Forks .....	12,496	2,499
Grant .....	6,190	1,238
Griggs .....	1,500	375
Hamlin .....	1,193	208
Hand .....	1,400	350
Hanson .....	2,301	460
Hughes .....	1,800	450
Hutchinson .....	7,100	1,420
Kidder .....	500	125
Kingsbury .....	3,890	778
Lake .....	3,890	778
Lawrence .....	13,248	5,418
Lincoln .....	6,397	1,279
Mandan .....	1,200	450
McCook .....	3,224	645
Miner .....	2,685	671
Minnehaha .....	9,752	1,950
Moody .....	4,815	963



Name of County	Pop. July 1, 1882	No. Voters
Morton	2,400	500
Pembina	5,972	1,152
Pennington	2,440	650
Ramsey	210	125
Ransom	4,200	850
Richland	1,137	1,119
Spink	3,002	781
Stutsman	3,775	755
Traill	4,005	903
Turner	5,120	1,124
Union	7,115	1,423
Walsh	3,800	950
Yankton	8,740	1,760
	211,359	47,650

This table, it must be borne in mind, included only organized counties. The unorganized counties, many of which had applied for organization, must be considered in connection with population, in justice to the estimates that had been made, and were a prominent factor in the arguments presented by Dakota's numerous delegations in Washington, laboring for the division and for statehood. There were about twenty-five counties unorganized at this time, July 1, 1882, that were increasing in population rapidly—in fact, were receiving the larger portion of the increase which had been coming in great volume since the advent of spring. These counties were Emmons, Sanborn, Butte, Roberts, Billings, Jerauld, Sully, Campbell, Edmunds, Fall River, Potter, Foster, McLean, Sargent, Nelson, Benson, McPherson, Faulk, Mercer, Stark, Steele, Townler, Walworth, Buffalo (2d).

#### OUTSIDE NEWSPAPER SENTIMENT

Under the inspiration of the times, which had Dakota for its subject, nearly all the newspapers took occasion to make remarks about the great territory, which in 1882, from January to mid-summer, was represented in Washington by an average of 150 of its citizens, from north and south, east and west, all, or nearly so, favoring division and admission of the southern half. One of the ablest delegations was from the Black Hills. Everybody heard something that winter about Dakota. The New York Produce Broker, with a purpose single to the material interests and products of the country, said:

The state of the future for wheat is going to be Dakota. That territory will become a great state. The power of the Northwest to produce a highly energized people is probably not equalled on the globe. The elements that are filling it up are Irish, German and Scandinavian. They soon compound into a magnificent race, and the peculiarity of the climate is that it gives them active brains and bodies. The cold of the winter and the bracing air of the summers bring out all human power in a man. You see the race growing in size almost under your eyes.

The New York Herald was an incorrigible opponent of statehood for Dakota. In considering the subject it predicted an inglorious oblivion for any New York congressman who should give aid or comfort to the project. In February, 1882, while the division and admission bills were prominently before both the Senate and House, and considered the most important measures of the session, the Herald gave vent to the following:

It is planned now by the republican politicians to make another draft upon the generosity of the great state and to force the premature admission of Dakota. The plot is well matured, and the announcement comes from Washington that a majority in each branch of Congress has been secured for its execution. If any senator or representative from New York is counted with the majority, the people of this state will insist upon a strict reckoning with him. We have been deluded for the last time in respect to the underlying motives of organizing new states. Our generosity has been abused by political tricksters and adventurers.



We have beheld the surrender of political power which we have been gulled into making under a patriotic delusion that it was for the welfare of the Union, inure solely to their advantage, until at last we have grown suspicious. With the "rotten borough" of Nevada before his eyes as a monument of deceit, the New York senator or representative who votes to invest the 135,000 inhabitants of Dakota with equality with the 5,082,000 inhabitants of New York in the Federal Senate, basely defrauds and betrays his own constituents, unless he can find a better reason for his vote than the expectation that the two senators to be elected from the new state will be republican in their partisan politics, and so will give the republican party control of the upper branch of Congress.

#### DIVISION SURE—ADMISSION DOUBTFUL

Eighteen hundred and eighty-two was the year when the people of Dakota Territory made their first and greatest effort to secure a division of the territory, and the admission of the southern half into the Union as a state. Delegate Pettigrew had been efficient in pressing these measures, but had been unsuccessful. At the close of the congressional session, in August, 1882, he gave out a statement showing the situation of these measures, which is here reproduced:

The bill for the division of Dakota is on the calendar in the House of Representatives, and a similar bill is before the Senate as unfinished business. Whenever the bill is put to a vote in the Senate it will be carried. Senator Saunders reported the bill in the Senate, and changed the name North Dakota to Pembina, although in other respects the bill is substantially mine. I protested against the change of name, and when the bill gets back to the House I shall move to amend by inserting North Dakota, for that is the name the people prefer. Senator Saunders went so far however, as to say that he would not report the bill at all unless North Dakota was stricken out and Pembina inserted. There is no question whatever but what the territory would be divided at the next session.

Concerning the admission of Southern Dakota, Chairman Burrows of the House Committee on Territories, thinks the bill will pass, but there will be a hard fight on it, for parties who hold the Yankton County bonds are determined not to permit the territory to become a state until the bonds are paid, or secured to them satisfactorily. The Yankton County bonds in face value represent \$200,000, and there is accrued interest to the amount of \$150,000. It would require a tax of 10 per cent on the entire county to liquidate the indebtedness, for the assessed valuation is not more than \$1,500,000. I think Yankton started out to make a settlement at 50 cents on the dollar—a pretty clear attempt at semi-repudiation. As things stand now the county would probably settle at the face of the bonds if they could be renewed on long time at a low rate of interest. But for these bonds the bill to admit Dakota as a state would certainly have passed. You see the holders of the bonds argue that so long as Dakota remains a territory, the Government is responsible for the value of the bonds issued by Yankton County, Congress having authorized the issue; but that the moment Dakota becomes a state the Government's obligation is ended and that then the bonds would be repudiated. Now the holders of those bonds have influence enough in the Senate to defeat the state bill there. So the matter stands this way: "Dakota will be divided at the next session of Congress, sure," and Southern Dakota will never be admitted as a state until those Yankton County bonds are settled in some way to the satisfaction of the holders of them, at least not while the Senate remains as close as it now is. The democrats, of course, do not want Dakota admitted, and they make a strict party fight on it; and there are enough republican senators who want to see the Yankton County bonds paid to defeat the project of admission.

#### YANKTON COUNTY'S BONDED DEBT

It was quite natural for the new communities of 1881-82, in Dakota to view the reports of Yankton County's bonded debt in a light prejudicial to Yankton, until the facts regarding the origin of the debt and succeeding incidents explained to them why it had not been paid; and it is probable that these facts would never have become so well known and understood by the people of the territory but for the efforts made by the bondholders, aided by Senators Hale and Vest, to obstruct Dakota's division and admission on that account. Thereafter it was not unusual to read a comment on the subject of the debt, emanating from outside sources, declaring the debt unjust and not binding upon the county, which was a more radical position than had been taken by the county.

#### PRO AND CON ABOUT DIVISION AND ADMISSION

The Dakotas did not succeed in their efforts for division or admission at this time, but it was some gratification to know that one long and essential step had

been taken in that direction in supplying Congress and the people with abundant information regarding the resources, the general character, the educational facilities, and population of the territory, which everybody knew, however, was rapidly increasing. This work would not have to be done again, notwithstanding the changes that would naturally occur in the membership of Congress. It was already a part of the written and printed history of the forty-seventh Congress.

The democratic sentiment in Congress, backed by the party judgment of its members, was quite pertinently expressed by Judge Flower, a democratic representative from New York, and subsequently governor of the state, who said:

I am in favor of the admission of Dakota. I have not said interest, then, in that territory which would be greatly enhanced if it were admitted, but as a party we cannot afford to have it admitted. We do not want three more votes to contend with in Congress.

Congressman Springer, of Illinois, said:

We do not propose to admit it before the next Presidential election. We do not want to repeat our experience in regard to the admission of Colorado.

To which another democratic congressman assented by declaring:

We will filibuster all summer before we will admit that territory.

#### DELEGATE RAYMOND'S VIEWS

John B. Raymond, of Fargo, succeeded Hon. R. E. Pettigrew as the delegate to Congress from Dakota Territory, on March 4, 1883. As the questions of dividing the territory, a new territorial organization in the northern half, and erecting a state government for the southern half, were the projects of a political character that then engrossed the public mind, in April Mr. Raymond was induced to give out an interview with a reporter for a prominent northwestern paper, and though speaking at random, disclosed his position on political and territorial matters of moment, as follows:

The all-important question in Dakota is the location of the capital, and the people in the northern part of the territory are anxious to see it located in the southern central part of the territory, as that would hasten the division we are all so anxious for.

(Note.—At this time the capital removal bill had just been enacted, but the capital commissioners had not settled upon any location for the new capital. Raymond, evidently, was not acquainted with the plans of those who controlled the capital commissioners.—Ed.)

Raymond continues:

The idea that a territory larger than all New England should have but two representatives in the Senate is preposterous. We are growing at an unprecedented rate, and the close of this year will find 150,000 more people in the territory than at the present time. Of course the democrats oppose division, and I fear that as long as they are in a majority in the national legislative body we cannot attain our end. Texas is empowered at any time by a popular vote to separate into four states. Why should we not have equal rights and privileges?

The tariff question? O, that's not settled yet. I think it will come up again during the next session with redoubled force. The great difficulty is that interests differ. I am a "tariff for revenue only" man, but can readily see where a protective tariff is needed by certain business interests. The iron men seem to be suffering most at this time, and they are really in a bad way. The question is one of great importance, and cannot lightly be passed upon.

As to civil service, that's all a humbug. The idea is good however, but the trouble is, each new executive wants the movement to commence with his administration. It is impracticable.

Territorial politics? O, no, no, nothing new. Nothing that I want to talk about, but I can give you a pointer on the immigration business. The territory west of us has grown and opened up with marvelous rapidity, and the greater portion of the tide of immigration passes through Fargo. Accustomed as we are to booms, we never have seen anything equal

to the present season. The Fargo Southwestern Road, which runs down to Lisbon, was opened two weeks ago, and the superintendent of the line, fearing that he wouldn't have business, refused to carry mails except every other day. Now they are running two trains per day each way all filled with immigrants, and cars cannot be produced in sufficient numbers to transport the movables.

The season has been a most auspicious one for farmers. Both winter and spring have been all that could be asked for, and seeding has been going on for some time in all parts of the territory. I have every reason to believe that the present will be the most auspicious year in every respect in the history of the territory.

A prior interview with Mr. Raymond, given out during the winter before he had taken his seat as the delegate, disclosed his position on the division and admission questions, in the following statement:

In frequent conversations with Mr. Pettigrew, who has expressed his confidence in being able to secure the passage of the division and admission bills, I assured him I would do all I could to assist him. My correspondence from various sections of the country, and from men in position to know, evidences the fact that the rapid development of Dakota has forced the attention of the people of the whole country to her, and I feel certain the question of admission and division is to be one of the prominent subjects of legislation this winter. We are entitled to division and the admission of South Dakota as a matter of right. I shall work incessantly to assist in accomplishing this object, not only because I believe in it, but paramount and above all, the people of Dakota, almost to a man, ask it in justice, and demand it as a right.

#### A BRIEF REVIEW

#### STATEHOOD IN SPIE OF CONGRESS

In 1880, according to the federal census taken in May, Dakota Territory possessed a population of 135,700, which was about the number required to entitle the territory to one member of Congress, provided Dakota had been a state in the Union. A division of the territory, through its center east and west, had been agitated for a number of years, and Congress had been appealed to by legislative memorials, to so divide the unwieldy territory, as it was called, but nothing had been done by Congress in that direction, and population had been increasing since the census was had at the rate of from 40,000 to 75,000 a year, so that by January, 1883, the territory had in the neighborhood of 300,000 population, divided according to careful estimate, among the Black Hills and the northern half and the southern half of the territory, in the ratio of 20,000 in the Hills, 100,000 in the north, and 175,000 in the south; and the stream of immigration had been at flood tide since the advent of 1883.

The agitation of the statehood question had been a collateral of the division of the territory, the state to be composed of that portion of the territory south of the 46th parallel. There was a minority opposition to division and also to statehood, the minority claiming that one large state could be governed as cheaply nearly as a smaller state, and it would have manifold greater weight in the councils of the Nation than two small states. There was also a strong sentiment opposed to division and two states in a zone bordering the proposed division line on the 46th parallel, where it was held that the interests of the people inhabiting that zone would be best subserved by continuing the existing boundaries and entering the Union as another Texas.

A majority of the lower house of Congress, being democratic at the time, was unwilling that any new states should be admitted until after the election of the next President, which would take place in 1884, and as the current of politics in the Nation had disclosed symptoms favoring the democrats, it was foretold by the political seers of the territory that there was no chance for the admission of any more states until after the presidential election.

The reader is now familiar with the action taken by the citizens' constitutional convention at Huron, where the first steps were formally taken by Rev. Joseph Ward and others for the formation of a state government. During this



time and subsequently there was considerable discussion of the proposition that the people had a lawful right to form a state government, and set it in motion without the authority of Congress. Another purpose in view by the active promoters of this early action was to secure information regarding the sentiment of the masses of the people, whether they favored division and statehood, a question that had not then been authoritatively answered, but it was safely apparent from the tone of the 150 newspapers of the territory that the sentiment was largely for division, and favorable to statehood.

About this time there rose up a gentleman of acknowledged legal ability, Hon. Hugh J. Campbell, who had been United States attorney for the territory since 1877, and was then serving his second term. He was conceded to be well equipped to speak, having in addition to his study of the question the experience gained in Louisiana during the Hayes-Tilden contest of 1876-77. This gentleman, in a series of articles which he caused to be published, very conclusively proved that a state government could be formed and put into practical operation without the consent of Congress; and in one instance, as in the case of Michigan, in 1834, the Legislature of the state had assembled, enacted laws which were approved by the governor, that a corporation had been formed under one of said laws entitled the "Detroit Young Men's Society," which had purchased real estate, and out of this transaction a law suit issued—the question being whether the law enacted by the Legislature before the state was admitted into the Union possessed validity and authority. The court in its decision, given after an exhaustive examination of the subject based on the ordinance of Congress for the government of the territory of the United States northwest of the River Ohio, passed July 13, 1787, concluding the court says:

The constitution and government formed by the people of Michigan was, then, authorized by the ordinance of 1787, and it was competent for the people to put such government in operation. A Legislature was duly organized in all its branches, and a governor elected, agreeably to the provisions of the constitution. The act to incorporate the Young Men's Society was passed by the Legislature and approved by the governor, according to the terms prescribed by the constitution. It was admissible in evidence on the trial and it conferred upon the defendants, among other corporate franchises, the right to purchase, hold, and convey the real estate in question, and to sue for its recovery.

From this decision Mr. Campbell concluded and asserted that by the decision of the Michigan court the following positions are settled and established, namely:

1st. That no enabling act of Congress was necessary to authorize the people of Michigan to frame their constitution and establish their state government.

2d. That that right was absolutely and unqualifiedly secured to them by the compact in the ordinance of 1787.

3d. That the power to frame a constitution includes the power to frame a state government and put it into operation.

4th. That this constitution and government were in lawful existence and the laws of its Legislature had full force and effect before the admission of the state into the Union.

Mr. Campbell then cites the opinion of Chief Justice Taney, in the famous Dred Scott case, a case arising under the fugitive slave law, which has to do with the power and jurisdiction of Congress over the territories, from which the justice concludes:

1st. That the Federal Government has no power to maintain colonies to be ruled and governed at its own pleasure.

2d. It has no power to hold and rule a territory permanently.

3d. A territory must be admitted as soon as its population and situation entitle it to admission.

4th. A territory is acquired to become a state, and Congress has no power to hold it as a colony and govern it absolutely.

Mr. Campbell cites also other cases, including Vermont, Tennessee, California, but the attitude of Dakota appears to have been sufficiently defined in the case of Michigan. Dakota had the population, and the question was, Should her people go ahead and frame a state constitution and state government without an enabling



act from Congress? There was a strong public sentiment supporting Mr. Campbell's position, and there did not appear any open opposition. His published articles aroused no controversy. There was no argument advanced against his position, but there were many who felt that it might be the best policy to await the action of Congress before resorting to drastic measures.

Mr. Campbell was heartily in sympathy with the movement for a citizens' constitutional convention, and took a leading part in the preliminary steps of calling a meeting of the people of the proposed new state, and continued active in this preliminary work up to the holding of the convention to frame the constitution, which was held in Sioux Falls in September, 1883, of which he was a member. But here his activity and influence ceased, except as he could assist in the work of framing the constitution, for he had no new theories of government or reforms that he desired to incorporate in the fundamental law. The unanimously expressed desire of the delegates to the convention was to make the best constitution they were capable of making with the example of all the states then composing the Union before them to select from and to improve upon. How well they succeeded in their work may be very properly inferred from the successful administration of the State of South Dakota since it set up for itself in 1889, for the state constitution framed and adopted in 1883 became the basis of the constitution, in all its principal features, that was again adopted in 1885, which was the constitution ratified by the people in 1889 under the enabling act, again re-enacted by the constitutional convention of that year, and again sanctioned by the vote of the people, and finally became the fundamental law of the State of South Dakota.

Here follows the proceedings of the first convention at Huron, called by the people in 1883, to take the necessary steps for holding a convention to frame a constitution:

#### A PEOPLE'S MOVEMENT FOR STATEHOOD

The failure of Congress, at its session in 1882-3, to enact a law providing for the division of the territory and the admission of the southern portion as a state, and the organization of a territorial government in the north, was a serious disappointment to a large majority of the people of both sections, who had felt justified in believing that at least the division bill would be enacted.

The Territorial Legislature of 1883, or rather the controlling spirits of that body, were largely occupied with the capital removal scheme; they were, however, powerless to do anything that would forward division except memorialize Congress, which had already been done; but the sentiment for taking steps to promote the admission of the State of South Dakota, and at the same time force the division of the territory, found expression in a bill calling a constitutional convention to meet at the capital of the territory on the 4th day of July, 1883, for the purpose of framing a state constitution, it being the intention to go before the Congress which would assemble in December, 1883, with a constitution and state government already prepared, and demand the admission of the state into the Union. This bill was introduced by Hon. Frank J. Washabaugh, of Lawrence County, member of the council, rather late in the session. It passed both houses, however, by nearly a unanimous vote, and reached the governor for his action on the last day of the session. The governor, under the provisions of the organic act, was allowed three days in which to consider a bill; he could defeat this bill without a veto, by simply pocketing it, and this he did. He was opposed to the bill, according to the only statement he made, because it did not include in the convention the northern part of the territory. The governor was a one state for the entire territory man, and he had felt that the removal of the capital, then pending, to North Dakota would change the sentiment of that section on the question of division, and within a day after the Capital Commission declared in favor of Bismarck for the capital, word went forth from that point that "division was dead." But this was not the sentiment of North Dakota, and did not become the

sentiment, though urgent efforts were made to make it so appear, and in the southern portion of the territory nothing but division had been thought of for years, except within a narrow zone along the proposed division line of the 46th parallel.

The capital removal was discovered to have inflamed public sentiment and had aroused such widespread popular indignation that it was deemed best, in order to give suitable expression to the public sentiment for division and admission, and to give popular endorsement of the constitutional convention measure which Governor Ordway had refused to approve, to call a Citizens' Constitutional Convention composed of delegates from the various counties south of the 46th parallel, in order, first, to be prepared to take advantage of any favorable condition in Congress at its coming session; and, second, to give the most emphatic endorsement possible to the efforts that had been made at Washington in behalf of the northern territory and southern state. This would be a voluntary assembling of the people in behalf of these measures. Nothing else would so clearly manifest the earnestness and unanimity of the people interested, now numbering in the proposed new state about two hundred and fifty thousand and in the proposed new territory about one hundred and twenty-five thousand.

The call for this convention was issued by the committee appointed by the Citizens' Constitutional Convention of 1882, and is here given, as it clearly explains the prevailing political conditions under which it was issued:

The undersigned, who were appointed a committee by the convention of the people of Dakota held at Canton June 4, 1882, for the purpose and with authority to call a convention of the people at the City of Huron, at such time as they should designate, to consult upon such steps as may be right and needful to the public welfare to take in reference to an organization as a state, believing that the time has come for the people to move in this matter, do hereby set forth to the people of Dakota their reasons for this action, and for the following call for said convention. We ask the serious attention of the people to the following facts:

1st. That Congress, though earnestly thereto by our people requested, and although it is admitted that the people of Dakota south of the 46th parallel of north latitude do possess the requisite population and resources for statehood, has failed to provide for a constitutional convention for Dakota, or for the division of the same upon the said parallel, as the wishes and interests of the people unanimously have demanded.

2d. That the last Territorial Legislature, by a majority of both houses, responsive to the reasonable demand of the people, did pass an act, as they had full authority to do, calling a constitutional convention to be held in December, 1883, and providing the money and machinery therefor, but that said act has failed to become a law by the withholding of the assent of the governor.

3d. The enormous appropriations made by the last Legislature, aggregating as much as four hundred thousand dollars, demonstrate the fact that in self-defense of their property and interests, the people must seek a more responsible form of government, and that right speedily.

4th. That the people of Dakota have an undoubted right and authority to act for themselves in the premises, independently of Congress, or the Legislature.

Ten states of the Union have thus acted, and formed their constitutions without a prior act of Congress, and have been admitted into the Union under said constitutions so formed. These states are: Vermont, 1791; Kentucky, 1792; Tennessee, 1796; Maine, 1820; Arkansas, 1835; Michigan, 1837; Florida, 1855; Iowa, 1846; Kansas, 1861, California, 1849.

It rests with the people of Dakota themselves to say when and with what boundaries and constitution it shall become a state. Congress never has and never will refuse to admit a sovereign state into the Union when it has the population and resources requisite therefor, and presents a state constitution, republican in form, for its approval.

The people of Dakota are not dependent upon Congress, nor the Legislature, nor the governor, to decide where and how they shall present their petition for admission. The means, the money, and the requisite machinery are all at your disposal. The only question is: 'Do the people of Dakota so will?'

We are in receipt of communications from all parts of the territory urging us to issue this call, and saying that if we do not the people will move in this matter under other organizations. Therefore, to give expression to the will of the people, and if such be their pleasure, to provide for taking steps toward the organization of a state government, and for presenting the State of Dakota fully organized with a state government at the next Congress, we do hereby, by virtue of the authority vested in us, call upon the people of Dakota south of the 46th parallel of latitude, in their several counties, to elect delegates to meet in state convention at the City of Huron, on Tuesday, the 10th of June next, there to

consider the question: 'Do the people desire that immediate steps be taken towards forming a state constitution, and to take such action thereon as to them may seem fit?'

We recommend that such elections be held by all the qualified electors of each county without distinction of party. We further recommend that all other issues be ignored by this convention, and that no question be considered except the one above stated.

And to this end we recommend that all the special issues acted upon by the Canton convention, as to temperance, and other matters, be reserved for future and separate action, by the friends of such measures, and that the action of this convention be strictly confined to the single issue—should Dakota take immediate steps to become a state?

Believing with our friends all over the territory that the people cannot too soon take the direction of affairs into their own hands and that if we fail to do so during the coming summer the best interests of the territory are exposed to serious and imminent danger, we urge upon all good citizens in every county south of the 46th parallel to take immediate steps to secure a general representation of all classes and parties from their respective counties in this convention. The committee have deemed it desirable to make the following apportionment of delegates to the several counties comprehended in the call. This apportionment is based on the vote for delegate to Congress at the last election as contained in the official returns in the office of the secretary of the territory, and as the same was computed in the act that passed the last Legislature calling a constitutional convention, excepting that the committee has fixed the total number of delegates at 411 instead of 100, as was done by that act. According to this computation the committee recommends that the convention consist of 411 delegates, who shall be apportioned among the several counties as follows:

Aurora, 8; Beadle, 10; Bon Homme, 10; Brookings, 10; Brown, 6; Brule, 8; Clark, 4; Charles Mix, 4; Clay, 12; Codrington, 12; Custer, 4; Davison, 12; Day, 4; Douglas, 4; Deuel, 10; Edgerton, 4; Grant, 16; Hand, 8; Hamlin, 4; Hansen, 4; Hutchinson, 8; Hughes, 8; Inman, 4; Kingsbury, 12; Lake, 8; Lawrence, 30; Lincoln, 16; Miner, 16; Minnehaha, 28; Moody, 12; McCook, 12; McCauley, 4; Pennington, 13; Spink, 14; Turner, 16; Union, 16; Yankton, 16; Hyde, 1; Sully, 1; Faulk, 1; Potter, 1; Edmunds, 1; Walworth, 1; McPherson, 1; Buffalo, 1; Campbell, 1; Jerauld, 1; Mandan, 1. Total, 411.

The committee recommends that in each of the several counties elections shall be held for delegates by all the qualified electors, without distinction of party, on Saturday, the 9th day of June next. The committee requests the chairmen and secretaries of the various county conventions as soon as they have chosen delegates to send a list of their names to this committee.

Signed, Wilmot Whitfield, Faulk County; Joseph Ward, Yankton County; S. George Andrews, Turner County; W. C. Bower, Minnehaha County; J. V. Hines, Union County; Executive Committee.

#### THE PRELIMINARY CONVENTION

The Southern Dakota convention convened to consider the calling of a convention for the purpose of framing a constitution for the State of Dakota, assembled at Huron pursuant to call on Tuesday, June 19, 1883, at 12 o'clock M., and was called to order by Rev. Wilmot Whitfield, of Faulk County, chairman of the executive committee of the Citizens' Constitutional Association, appointed in 1882. Mr. Whitfield read the call under which the convention was summoned, and followed the reading with a brief announcement, as follows:

Gentlemen of the Convention: In order to effect a temporary organization, I beg leave to nominate Mr. B. G. Caulfield, of Lawrence County, well known to you all, as the temporary chairman.

The nomination was received with enthusiasm, and Mr. Caulfield was unanimously elected, and being escorted to the platform and to the chair, briefly addressed the convention as follows: (Mr. Caulfield was one of the prominent democrats of the territory.)

Gentlemen of the Convention: I return to you my sincere thanks for the honor you have conferred upon the people who have called upon me to represent them in this convention, by selecting the humble individual who stands before you as your temporary chairman. I most heartily congratulate the people of Southern Dakota upon the manifestations we have before us, which can only result in the attainment of liberty and independence. (Applause.) I congratulate the people of Southern Dakota therefore, that they are passing by the innovations that have been made by old customs, by setting forth to bring into the Union a new and prosperous state. I congratulate them upon returning to the old moorings of the Constitution where our fathers left it, and which present custom has taken away. (Applause.) The old usage was that the states of the Union, whether called upon or not, would admit



within their field without the necessity of an enabling act, those people who by their acts, their numbers and characteristics, manifested to the country and the world the authority, right and power, within themselves of self-government. The idea of an enabling act to enable the people who are the government themselves, to do that which they have a right to do, is an innovation upon our form of government. (Long continued applause.) The people of the government require no act of Congress to enable them to perform their rights and to adopt rules and regulations that they may determine for themselves. The Constitution of the United States was made for the states of the Union. The preamble reads that we, the people of the United States, do ordain and establish this Constitution for the United States of America, and no colony, no territorial forms of government, were contemplated at that time, and if not contemplated then, any power which undertakes to control the people while they are the people of the states, which they should be under the Constitution, is an invasion upon their rights. (Applause.) We, therefore, today have assembled here as one people at our own call, to manifest to the people of America and the Congress of the United States our wish to enter into the sisterhood of states, a right which belongs to us by the Constitution of our country. We, the citizens of Dakota, are the citizens of the United States, and as such are entitled to all rights, privileges, immunities, of every other citizen of the United States, and that power which undertakes to deprive us of it commits a wrong. We have assembled here to say to Congress—and we have a right to say it—that we, the people of Southern Dakota, are a state, that we simply need the forms of Congress to admit us into the Union as such. The Constitution says that Congress shall have power to admit new states into the Union, no territories were contemplated in the Constitution. When this country was purchased from France, it was contemplated that whenever 60,000 people gathered together in the old Territory of Louisiana, they should organize themselves into a state. I understand that to be the position we occupy here today. With that understanding let us proceed with the deliberations of this convention and to the end that the proceedings of the convention may meet with the approval of man and God, I request that the Reverend Doctor Hoyt, the pioneer clergyman of Dakota, invoke the Divine blessing.

The Rev. Melancthon Hoyt, dean of the Episcopal Diocese of Dakota, offered prayer as follows:

O God, thou who of old did counsel with thy children, we pray thee to be present with the members of this convention, now gathered together to consult for the best interests of the people of Dakota. Guide and direct them in all their doings with thy most gracious favor, and favor them with the countenance of thy most gracious help \* \* \* that in all their work begun, continued and ended in thee, they may glorify thy holy name and perpetuate the best interests of the people of this territory. We ask it for the Redeemer's sake. Amen.

The convention then elected Philip Lawrence, of Kingsbury County, temporary secretary, and W. B. McChesny, of Brown County, assistant secretary, following which a brief recess was taken to enable the president of the convention to make up the lists of committees and afford the committees time to make up their reports.

The president then appointed the following Committee on Credentials: Aurora County, F. H. McIntosh; Beadle, Karl Gerner; Bon Homme, John Todd; Brookings, H. H. Natwick; Brown, J. H. Drake; Brule, S. W. Duncan; Clark, S. H. Elrod; Clay, I. Kimball; Codington, L. D. F. Poore; Davison, George S. Bidwell; Day, M. Moulton; Grant, A. H. Lewis; Hand, B. F. Payne; Hanson, W. S. Arnold; Hutchinson, S. M. Daboll; Hughes, H. E. Dewey; Kingsbury, Amos Whiting; Lawrence, S. P. Romans; Lincoln, James W. Taylor; Moody, C. D. Pratt; Minnehaha, E. W. Caldwell; McCook, I. F. Rutan; Spink, C. T. Howard; Union, C. F. Mallahan; Yankton, J. R. Gamble; Sully, J. A. Meloon.

Delegate Pickler offered a resolution, which was adopted, giving the credentials committee authority to allow unorganized counties representation such as their population would entitle them to if organized. (There were twenty-five of these unorganized counties.)

At the afternoon session the Committee on Credentials submitted the following report, which was adopted:

Mr. Chairman: Your Committee on Credentials submit the following report, and recommend its adoption:

Aurora, eight votes, divided now into Aurora and Jerauld counties, as follows: Aurora County, five votes, to wit: S. L. Baker, L. S. Goff, E. W. Foley, J. C. Ryan, F. H. McIntosh; Jerauld County, three votes, B. F. Chapman, A. B. Smart, T. F. Tofflemire.



Brown County, eight votes, N. T. Hauser, N. J. Gordon, S. H. Jumper, J. H. Drake, W. B. McChesney, E. A. Bowers, A. O. Titus, W. Winter. The committee recommend additional delegates to Brown, to wit: J. H. Hauser, C. S. Mainger, L. A. Burke, A. A. Rowley.

Beadle County, ten votes, Karl Gerner, S. A. Armstrong, J. W. Shannon, John Blair, Fred Grant, John Cain, A. B. Melville, L. S. Hazen, S. C. Nash, E. A. Morse.

Bon Homme County, sixteen votes, John L. Turner, Joseph Zitka, Robert Dollard, F. A. Morgan, T. O. Bogert, Peter Byrne, C. T. Campbell, C. T. McCoy, F. M. Ziebach, John Todd, J. R. Stephens, C. S. Rowe, Robert Kirk, O. Richmond, Frank Trumbo, John C. Memmer, J. C. Klemme, alternate; M. H. Day, alternate.

Brookings County, sixteen votes, H. H. Natwick, C. A. Kelsey, G. A. Matthews, C. H. Stearns, L. P. McClarren, Page Downing, S. G. Mayland, H. P. Finnegan, D. J. Darrow, S. W. Lockwood, Charles Davis, E. E. Gaylord, C. W. Williams, Frank Adams, J. O'B. Scobey, Ole Knudtson.

Brule County, eight votes, A. G. Kellam, F. M. Goodykoontz, D. Warner, L. W. Lewis, J. H. King, Charles Cotton, S. H. Duncan, F. J. Wells.

Clark County, four votes, S. W. Elriod, E. F. Conklin, S. J. Conklin, Don R. Frazier.

Clay County, twelve votes, E. B. Dawson, C. G. Shaw, J. Kimball, A. L. Newton, J. E. White, H. Newton, John R. Whiteside, C. E. Prentis, Ben Collar, Jared Bunyan, A. H. Lathrop, G. S. Agersborg.

Codington County, twelve votes, H. R. Pease, D. C. Thomas, E. M. Dennis, E. D. Wheelock, T. A. Kingsbury, A. D. Chase, Oscar Kemp, A. E. Dewey, Wm. M. Pierce, Geo. A. Edes, C. C. Wiley, L. D. F. Poore. Alternates, L. D. Lyon, W. O. Frazier, W. H. Donaldson.

Davison County, twelve votes, H. C. Greene, S. D. Cook, S. F. Goodykoontz, J. D. Fegan, S. W. Rathburn, B. F. Alterton, John Pease, E. S. Johnson, George S. Bidwell, John Foster, Douglas Leffingwell, W. H. Blackman.

Day County, four votes, M. Moulton, E. R. Ruggles, O. A. James, B. F. Stringham.

Douglas County, four votes, W. E. Tipton, George H. Woolman, J. J. Devy, F. E. Lawrence.

Grant County, sixteen votes, J. W. Bell, A. J. Blesser, A. Lewis, P. E. Skaken, A. Wardall, Wm. M. Evans, S. S. Lockhart, A. B. Smedley, O. J. Scheier, J. B. Whitcomb, John Buzzell, A. H. Nash, J. R. Eastman, J. C. Drake, A. C. Dodge, J. C. Knapp.

Hand County, eight votes, B. F. Payne, R. T. Smith, E. S. Voorheis, C. E. Cort, W. H. Kephart, G. O. Hutson, G. W. Livingston, C. A. Wheelock.

Hanson County, four votes, W. S. Arnold, L. P. Chapman, F. B. Foster, A. J. Parshall.

Hutchinson County, eight votes, A. Sheridan Jones, chairman; L. L. Fisenmann, Henry Heil, David Bellon, Karl Winter, S. M. Daboll, John Schamber, Henry Heil. Those present to cast the full vote.

Hughes County, eight votes, C. D. Mead, W. S. Wells, H. R. Horner, V. E. Prentice, C. W. Richardson, Wm. Stough, H. E. Dewey, H. J. Campbell.

Kingsbury County, twelve votes, J. C. Southwick, P. Lawrence, Thos. Reed, J. E. Risdorph, I. A. Keith, M. A. Brown, A. Whiting, J. A. Owen, D. C. Kline, L. F. Dow, J. C. Gipson, J. J. Sweet.

Lawrence County, thirty votes, G. C. Moody, B. G. Caulfield, S. P. Romans, Porter Warner, W. L. Hamilton, S. B. Smith, A. J. Knight, G. G. Bennett, W. H. Parker, W. R. Steele, D. Corson, A. J. Harding, John R. Wilson, C. F. Tracey, W. H. Riley, H. M. Gregg, T. F. Harvey, H. O. Anderson, D. K. Dickenson, W. J. Laramet, Dolph Edwards, J. O. Gunsollus, Geo. F. Robinson, J. W. Galand, John H. Davey, Thomas Hartland, John C. Ryan, Joseph Ramsdell.

Lincoln County, sixteen votes, L. Hensley, A. B. Boynton, J. W. Taylor, E. B. Peterson, B. C. Jacobs, A. B. Wheelock, W. K. State, Larse Hilme, Robert Pierce, Elling Opsal, Thomas Wright, O. D. Hinckley, Wm. Bradshaw, A. P. Dixon, George Conkling, Wm. M. Cuppett. Delegates present to cast full vote.

Miner County divided into Miner and Sanborn counties, sixteen votes, one-half to each county. Miner, eight, H. Bronson, Mark Harris, G. A. Martin, J. P. Ryan, M. A. Moore, H. Weedy, F. Britain, W. G. James.

Sanborn County, eight votes, N. B. Reed, H. E. Mayhew, Wm. McFarland, W. F. Kenfield, George Lawrence, F. W. Thaxter, C. H. Van Tassel, C. H. Jones.

Minnehaha County, twenty-eight votes, R. F. Pettigrew, C. W. Hubbard, J. Schaezel, Jr., Melvin Grigsby, J. R. Jackson, John Langness, W. W. Brookings, E. W. Caldwell, C. H. Winsor, T. H. Brown, D. R. Bailey, B. F. Campbell, G. A. Uline, S. Wilkinson, D. S. Glidden, C. E. McKinney, A. C. Phillips, T. S. Free, W. A. Wilkes. Delegates present to cast full vote.

Moody County, twelve votes, H. M. Williamson, A. G. Bernard, Wm. R. Ramsdell, T. E. Carter, R. Brennan, L. W. Sherman, F. F. Whalen, N. Vance, C. D. Pratt, John Hobart, A. P. Allen, Phil Clark.

McCook County, twelve votes, J. T. McKee, J. M. Bayard, E. Thomas, E. H. Wilson, John F. Norton, J. E. Rutan, D. S. Pond, H. G. Miller.

Sully County, three votes, B. P. Hoover, J. A. Meloon, J. M. Moore.

Spink County, fourteen votes, F. C. Warriner, C. H. Seeley, C. N. Keith, M. Moriarty, F. W. Rogers, J. H. Allen, J. J. Cushing, C. H. Reedan, R. B. Hassel, E. W. Foster, C. D. Friberg, J. M. Miles, C. T. Howard, E. B. Korn.

Turner County, sixteen votes, Rev. L. F. Newell, Rev. J. B. Currans, J. A. Hand, Rev. J. P. Coffman, A. T. Cathcart, G. W. Perry, Reverend Harmaline, Reverend Wattans, Jackson Davis, G. L. Douglas, Joel Fry, Rev. N. Tychsen, J. B. Bebee, Rev. T. H. Judson, S. L. Andrews, Mr. Parr.

Yankton County, sixteen votes, Rev. Joseph Ward, Bartlett Tripp, George Brown, C. J. B. Harris, G. W. Kingsbury, J. R. Gamble, Wilmet Whitfield, Newton Edmunds, T. R. Hanson, Fred Schnauber, Maris Taylor, F. Minee, Geo. H. Hand, I. E. West, S. A. Boyles, S. H. Gruber.

Union County, sixteen votes, C. H. Walworth, Geo. B. Freeman, J. D. Cuttill, George Ellis, Jesse Akin, N. A. Kirk, Henry Kuyfziger, Joseph Yertter, M. W. Shaefer, Adam Scott, Harry Mosier, J. G. Merrill, Thomas Roman, C. L. Mallahan, Halvore Knudsen, Rev. Joseph V. Himes.

Potter County, one vote, O. L. Mann.

Faulk County, three votes, J. A. Pickler, L. Van Horn, J. H. DeVoe.

Campbell County, one vote, S. S. Bassett.

Buffalo County, one vote, E. A. Herman.

Hyde County, three votes, M. G. Simon, E. O. Parker, L. E. Whitcher.

The committee recommends that in all cases the delegates present be entitled to cast the full vote of the county of which they may be residents.

J. R. GAMBLE, Chairman.

The report was adopted by a unanimous vote.

Upon being called to order, the Committee on Permanent Organization submitted the following report, which was unanimously adopted:

President—Hon. B. G. Caulfield, Lawrence County.

Vice Presidents—Rev. Joseph Ward, Yankton County; Hon. F. M. Goodykoontz, Brule County; C. D. Pratt, Moody County; R. E. Alterton, Davison County; D. R. S. Smith, Hand County; A. H. Lewis, Grant County; D. C. Thomas, Codington County; William M. Cuppett, Lincoln County; T. I. Dey, Douglas County; John Todd, Bon Homme County; Coland Kimball, Clay County; J. S. Foster, Hanson County; E. W. Foster, Spink County; C. A. Kelsey, Brookings County.

Secretaries—Philip Lawrence, Kingsbury County; W. B. McChesney, Brown County; C. E. Mallahan, Union County; John Cain, Beadle County; V. E. Prentice, Hughes County.

The Committee on Rules and Order of Business submitted its report, which was of a routine character, relating to the detail in the transaction of the convention's business. It was adopted without dissent. One of its most significant recommendations was a rule as follows:

That no questions shall be in order before this convention save those contained in the call for the convention, to wit: The division of the territory upon the 40th parallel and the calling of a constitutional convention for the purpose of framing a state constitution for that part of Dakota south of the 40th parallel, and questions relating to the ordinary routine of business of the convention, and no debate on any other questions shall be in order.

The president then named the following Committee on Resolutions: H. J. Campbell, of Hughes County; G. C. Moody, of Lawrence County; W. A. Wilkes, of Minnehaha County; E. D. Wheelock, of Codington County; Rev. Joseph Ward, of Yankton County; A. B. Melville, of Beadle County; H. E. Mawhew, of Sanborn County; O. L. Mann, of Potter County; C. H. Walworth, of Union County.

The president also appointed the following Committee on Apportionment: A. G. Kellam, Brule County, chairman; E. W. Robey, Aurora County; J. W. Shannon, Beadle County; Robert Dollard, Bon Homme County; C. J. Darrow, Brookings County; John H. Drake, Brown County; John B. Frazer, Clark County; E. B. Dawson, Clay County; T. A. Kingsbury, Codington County; H. C. Green, Davison County; M. M. Moulton, Day County; George H. Woolmar, Douglas County; A. H. Lewis, Grant County; B. E. Payne, Hand County; L. P. Chapman, Hanson County; A. S. Jones, Hutchinson County; H. R. Horner, Hughes County; T. H. Ruth, Kingsbury County; Porter Warner, Lawrence County; A. B. Dixon, Lincoln County; J. P. Payne, Miner County; M. B. Reed, Sanborn County; R. F. Pettigrew, Minnehaha County; C. D. Pratt, Moody County; T. E. Rutan, McCook County; F. W. Rogers, Spink County; T. D. Curran, Turner County; Rev. J. V. Himes, Union County; S. A. Boyles, Yankton

County; L. E. Whitcher, Hyde County; T. A. Maloon, Sully County; John A. Pickler, Faulk County; Gen. O. L. Mann, Potter County; E. R. Hermann, Buffalo County; S. S. Bassett, Campbell County; B. F. Chapman, Jerauld County.

The president also appointed the following committee to prepare an address to the people: E. W. Caldwell, Minnehaha County; John H. King, Brule County; G. W. Kingsbury, Yankton County; John Cain, Beadle County; John Owens, Kingsbury County; S. J. Conklin, Clark County; R. B. Hassell, Spink County; E. S. Voorhies, Hand County; H. E. Dewey, Hughes County; S. D. Lawrence, Lawrence County.

The convention then took a recess until 8 o'clock in the evening.

At the evening session the Committee on Resolutions and Ordinance submitted a report in the words following, which, being read to the convention, was unanimously adopted:

Whereas, Experience has abundantly demonstrated that the welfare of the people is promoted and secured only by a permanent government, sovereign in character, and republican in form, and responsible to the people, and as all good and just government should be of the people, and by the people, and for the people; and

Whereas, The compact contained in the ordinance of 1787, which has been extended over Dakota by five successive acts of Congress, guarantees "absolutely and inviolably to them the right to form a permanent constitution and state government whenever said territory shall contain 60,000 free inhabitants;" and

Whereas, The treaty by which the Louisiana Purchase was acquired, which is "the supreme law of the land," guarantees to the people of Dakota Territory, as absolutely and inviolably as the ordinance of 1787, that they shall be incorporated in the Union of the States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages and immunities of citizens of the United States,

Whereas, Under the Constitution of the United States, as authoritatively declared by the Supreme Court of the United States, the territory was acquired and could only be acquired for the purpose, and upon the condition, that it should be admitted into the Union as a state as soon as its population and situation entitled it to admission; and

Whereas, According to this same authority, Congress has no power to hold and govern this territory permanently, in the character of a territory; and

Whereas, Governments derive their just powers from the consent of the governed; and all power is inherent in the people, and all governments in this Republic are founded on their authority and instituted for their safety, peace and happiness; and for the advancement of these ends they have, at all times, an unalienable and indefeasible right to alter, reform or abolish their government, in such manner as they may think proper; and these fundamental principles proclaimed in the Declaration of Independence, and reiterated in the Bills of Rights of Twenty States, are now everywhere acknowledged as the settled and irrevocable law of the land; and

Whereas, The Territory of Dakota lying south of the 46th parallel of north latitude, has a present population of more than two hundred and fifty thousand people, which, at its present rate of increase, will, in another twelve months, number over three hundred thousand people, which is more than double the population of any state heretofore admitted into the Union out of the territories, and more than that of seven of the original states at the time of their admission; and

Whereas, Said part of said territory covers an area of over seventy thousand square miles, which is larger than that contained in any state of the Union except seven; and

Whereas, It has been solemnly and authoritatively determined by the courts, by the precedents of thirteen states, by the sanction and affirmation of Congress, and by the approval of the presidents, from Washington down, that the people of a territory, when qualified for state government, have the right in their primary and sovereign capacity, without authorization of Congress, or of any other power than their own, to proceed to form their state constitution and state government, and apply for admission into the Union; and

Whereas, With the proposed boundaries Dakota will be the eighth state in the Union in area, and will cover an area equal to that of New England, and New Jersey and Delaware; and

Whereas, The people of Dakota, by virtue of their population, their territory, their constitutional rights, and the inviolable and solemn guaranties of treaties, and the compacts of the ordinance of 1787, and the will of the people, are a state, and ought without further delay, to form a state constitution, and state government, and ask admission into the Union; and

Whereas, The experience of the past has demonstrated that the most important need of the people of Dakota now is a responsible government; a government responsible to the people, elected by the people and acting for the people; and



Whereas, Unless such government is obtained speedily we have good reason to apprehend lasting and remediless injury to the institutions and the future welfare of the Commonwealth, and this question will and should become the sole and vital issue, before all other issues, with the people of Dakota, until it is determined; and

Whereas, The last Legislature of this territory, wisely acceding to and representing the general and earnest wish of the people thereof, did enact a law convening a constitutional convention at the capital of the territory in October next, for the purpose of framing a constitution and state government for that part of Dakota south of the 46th parallel and of performing all other things essential to the admission of such part of Dakota into the union of the states; and

Whereas, Said act of the Legislature was prevented from becoming a law by the territorial executive declining to approve the same or return it to the Legislature with his objections, thus depriving that body from taking any further action relating thereto; and

Whereas, The people having been thus deprived of the ordinary means of so largely and executing their lawful will, have full and unquestioned right and authority to fall back upon and exercise the reserved rights and extraordinary powers vested in them, and have therefore for that purpose called and organized this convention; and

Whereas, It appears still to be the unaltered will of the people that such constitutional convention shall be held; therefore,

Be it Resolved and Ordained by the people of Dakota, through their delegates in convention assembled:

Section 1. That for the purpose of enabling the people of that part of Dakota south of the 46th parallel, to organize and form a state government, and make application for admission into the union of states, a delegate convention is hereby called to meet at SIOUX Falls, D. T., on September 4, A. D. 1883, at 12 o'clock meridian, for the purpose of framing a state constitution, republican in form, and doing and performing all other things essential to the preparation of the territory for making application to the general government for the admission of such part of Dakota into the union of the states.

Sec. 2. The said convention shall be composed of 150 members who shall be apportioned among the several counties of that part of Dakota south of the 46th parallel, to-wit:

Provided, That all organized counties in the territory south of the 46th parallel at the time of the election hereinafter provided for is held, to choose members to said convention, and which counties are not above named, shall be entitled to one delegate, who shall be given a seat and have a vote in said convention as other members thereof, and said delegate shall be in addition to the number heretofore provided for.

Sec. 3. An election for the purpose of choosing said delegates is hereby appointed to be held on the first day of August, A. D. 1883, at which time the delegates to said constitutional convention shall be chosen. Said election shall be conducted in all respects as elections under the general laws of the territory, and the state executive committee, to be appointed as hereinafter prescribed, are hereby authorized, empowered and required, and the several county clerks of the several counties of the territory are hereby requested, and the several county boards hereby provided for, are hereby authorized and required to issue notice of such election at least thirty days prior thereto, by publication in the newspapers of each county, stating the object of such election, and the number of delegates to be chosen in each, and shall otherwise substantially conform as near as may be to the notice of election provided by law for general elections, which notice may be posted by the sheriff or the county boards hereinafter provided for, or by both, in the manner provided by law for posting notices of election. The election precincts and polling places may be the same as now provided under the law in reference thereto. But the county boards to be appointed as hereinafter provided, may, if they deem it expedient, at least twenty days prior to such election, establish new precincts for the whole or any part of their respective counties, and fix the polling places therein, and said county boards are hereby authorized and empowered at the same time or thereafter, to appoint judges of election, and such judges of election shall have authority and perform all things that are now required of judges of election, by law, in the case of general elections, and the canvass and return of the votes shall be in the form now required by law in the case of county elections. It shall be the further duty of the several county boards to issue certificates of election to all persons who shall be declared elected, provided that the persons receiving the highest number of votes at such election shall be elected as such delegates. It shall be the further duty of the several county boards, within ten days after such election, to certify to the president of the state executive committee, the names of all persons chosen as such delegates from their respective counties and to transmit the same to said president of said state executive committee by mail.

Sec. 4. The president of the state executive committee shall receive all certificates so transmitted to him by the several county boards and shall preserve the same, and it is hereby made the duty of said state executive committee to enter the names of all persons so certified to them as such delegates, in a book which they shall provide for that purpose. And it is made the duty of said state executive committee within twenty days after said election to canvass and compile all certificates and returns of said elections, and to ascertain the names of the several delegates who shall have been duly elected in their several counties,



and to make proclamation thereof in the newspapers of the several counties, and to issue certificates of election to the several delegates-elect.

Sec. 5. The delegates so elected at such election shall meet at the time and place appointed by this ordinance, and in such room as the state executive committee or the convention may provide, and at the hour heretofore named the president of the said state executive committee or some member-elect of said convention shall call the convention to order, and shall call the roll of its members from the book heretofore provided, if such book can be obtained, and if not, from the official returns of said election, and the certificates of election of each member, in such manner as the convention shall prescribe, and the several delegates, as their names are called, shall take their seats in said convention. When the calling of the roll of members shall be completed, the several delegates shall be required to take and subscribe an oath to support the Constitution of the United States, and to faithfully and impartially discharge their duties as delegates to said convention. Said oath may be administered by said president of said state executive committee or the chief justice of the territory, or by any judicial officer of the territory. The convention shall then proceed to organize by the election of a president, who shall be chosen from among the delegates, together with the other officers herein provided for. Said convention shall adopt such rules and regulations as are provided in the case of legislative bodies. It may adjourn from time to time and shall be the sole judge of the election and qualifications of its members. The president, and all officers of said convention, shall take and subscribe an oath to faithfully and impartially discharge the duties of their respective offices.

Sec. 6. Said convention, after its organization, shall proceed to draft a constitution for the State of Dakota, republican in form, in which shall be defined the boundaries of the proposed State of Dakota. It shall be the further duty of said convention to provide for an election of the people of the proposed state, to be held on the day of the general election in 1883, or such other day as said convention shall designate, at which election the said constitution shall be submitted to the people for ratification or rejection, and the said convention shall have the power to provide the necessary means for holding said election, and for carrying into effect all the purposes of the said constitution. The convention shall have power to provide for all the expenses of said election held under the provisions of this ordinance and of any ordinance of said convention.

Sec. 7. The delegates to the said constitutional convention shall each receive a per diem of \$2.00 for each day's attendance upon said convention, and 5 cents per mile for each mile necessarily traveled in going to and returning from said convention, said per diem and mileage to be paid by the provisional state treasurer, upon the warrant of the provisional state auditor, who are hereinafter provided for.

Sec. 8. The provisional state auditor is hereby authorized to audit and allow the accounts of the several delegates to said convention, upon certificates of the presiding officer of said convention, countersigned by the secretary thereof.

Sec. 9. The said convention shall hold a session for a period not exceeding forty days, but shall have power to adjourn from time to time, or to meet at the call of the president of the convention.

Sec. 10. The said convention shall provide the manner of presenting the said constitution to the Congress of the United States, and do and ordain all things necessary to be done for the purpose of carrying into effect the government of the state when it shall be admitted into the union of the states.

Sec. 11. That said convention shall have power to appoint a state treasurer and a state auditor, and to define and prescribe their duties and pay, which officers shall serve provisionally until the state government shall go into operation.

Sec. 12. In case of the refusal, neglect or inability of any member of a county board to act, the remaining members of said county board shall have power to appoint a member or members to take the place of any one so refusing, neglecting, or being unable to act. And in the case of the refusal, neglect or inability of any county board to act, the president of the state executive committee shall have power to appoint a county board. In all other cases, where for any reason there is no county board to act and there may not be time for the state executive committee to act, the citizens may appoint a county board pro tem.

In case of the refusal, neglect or inability of any judge or judges of an election to act, the remaining judge or judges shall appoint others to act in their place. And in case of the refusal, neglect or inability to act of all the judges of election, the county board may appoint new judges of election, or if for any reason this is impracticable, the qualified electors present at the polls may appoint judges of election. No mere technicality or informality in the form of the election shall be deemed to vitiate or avoid the same, it being the sole intent and object of this ordinance to ascertain and give effect to the true will of the people of Dakota, as expressed by the ballot at the polls.

Sec. 13. There shall be appointed by the president of this convention, before this convention shall adjourn, a state executive committee consisting of \* \* \* members, who shall serve until the meeting and organization of the constitutional convention. Said committee shall have full power to do and perform all things necessary to the carrying into effect the provisions of this ordinance; they shall appoint a county board in each county in the proposed state; make and issue instructions and regulations with regard to the details of all elections held in pursuance of this ordinance; fill all vacancies in their own number.

or in the county boards, call all adjourned meetings of this convention to order new elections for another convention; order new or special elections in case of necessity for the constitutional convention; and perform and exercise such other duties and powers as may be imposed or conferred upon them by this ordinance or convention. They shall fix their own times and places of meeting; and three members shall constitute a quorum with power to transact business. More than one unexcused absence from any regular meeting by any member thereof shall be deemed to work a vacancy in his office, which may be filled at the discretion of the committee; but any member may by writing delegate his power to act on the committee to any member thereof. The state executive committee shall meet and organize on the day of their appointment, and before this convention adjourns, by the election of a president and secretary, and shall keep a record of their proceedings. They may employ all necessary clerical assistance.

Sec. 14. It shall be the further duty of the several county boards, within ten days after such election, to certify to the secretary of the territory the names of all persons voted for as such delegates from their respective counties, with the number of votes cast for each, and to transmit the same to said secretary; and the several county clerks are hereby requested to sign said certificates, but said certificates shall be sufficient and valid if made and signed by the county boards alone. In case it shall for any reason be found impracticable for the secretary of the territory to receive and preserve said returns, the president of the said executive committee may direct such certificates to be sent to the clerk of the Supreme Court of the territory.

Sec. 15. The secretary of the territory or clerk of the Supreme Court are requested to receive all certificates so transmitted to him and to enter the names of all persons so certified to him as such delegates in a book which he will provide for that purpose. And he is further requested to act with the state executive committee in the canvass and compilation of the returns of the election, and to sign all certificates and proclamations of the result of the election with said executive committee. He is further requested to make to the constitutional convention a separate list and certificate of the result of the election, signed and certified by him.

Sec. 16. In all matters not herein provided for especially, the state executive committee shall have power to make all necessary rules and regulations to carry into effect this ordinance.

During the proceedings of the second day the State Executive Committee was appointed, as follows: Chairman, ex Gov. Newton Edmunds, Yankton County; Aurora County, E. H. McIntosh; Beadle County, John Cain; Bon Homme County, Robert Dollard; Brookings County, C. A. Kelsey; Brown County, M. J. Gordon; Brule County, F. M. Goodykoontz; Clark County, S. J. Conklin; Clay County, John R. Whiteside; Codrington County, William M. Pierce; Douglas County, W. E. Tipton; Day County, E. R. Ruggles; Deuel County, W. G. Eakins; Grant County, A. H. Lewis; Hand County, G. W. Livingston; Hanson County, F. B. Foster; Hughes County, H. J. Campbell; Hutchinson County, S. M. Daboll; Lawrence County, Edward Van Cise; Kingsbury County, Mark A. Brown; Miner County, Mark Harris; Lincoln County, J. W. Taylor; Minnehaha County, Jacob Schaezel; McCook County, John F. Norton; Moody County, A. G. Barnard; Turner County, I. H. Newby; Spink County, C. H. Seeley; Yankton County, S. H. Gruber; Union County, C. F. Mallahan; Sully County, B. P. Hoover; Hamlin County, William R. Marshall; Custer County, N. S. Burke; Pennington County, John Newlin; Walworth County, F. J. Bowman; Charles Mix County, M. T. Post; Hyde County, Eli Johnson; Lake County, N. F. Smith.

Also a committee on address to the President and Congress of the United States, composed of Bartlett Trip, of Yankton County, chairman; Aurora, S. L. Baker; Beadle, A. B. Melville; Bon Homme, John Todd; Brookings, William M. Brooke; Brown, Wylie Winters; Brule, John H. King; Clark, S. H. Elrod; Charles Mix, A. B. Lucas; Clay, Henry Newton; Codrington, H. R. Pease; Custer, Dr. A. S. Stewart; Davison, S. G. Cook; Day, A. C. Tuttle; Douglas, George H. Woolman; Deuel, H. B. Monahan; Grant, John W. Bell; Hand, G. O. Hutchinson; Hamlin, C. F. Lake; Hanson, Arthur Parshall; Hutchinson, James C. Boyles; Hughes, C. D. Meard; Kingsbury, John A. Owens; Lake, C. E. Kennedy; Lawrence, W. B. Kingsley; Lincoln, Elling Opsal; Miner, S. H. Bronson; Sanborn, W. F. Thaxter; Minnehaha, Melvin Grigsby; Moody, William Ransdell; McCook, J. F. Rutan; Spink, F. C. Mariner; Turner, F. J. Judson; Union, F. C. Erickson; Yankton, George H. Hand; Pennington, David H. Clark; Hyde, Eli

Johnson; Sully, J. M. Moore; Faulk, J. A. Pickler; Potter, O. S. Oliver; Buffalo, Ezra Cleveland; Jerauld, William T. Hill; Roberts, T. W. Lane.

By a vote of 212 for Sioux Falls to 92 for Deadwood, the constitutional convention was called at the former place, to meet September 4, 1883.

The apportionment of representation in the constitutional convention from the various counties was fixed in accordance with the appended table:

Aurora .....	3	Brookings .....	5	Brule .....	3
Buffalo .....	1	Beadle .....	3	Butte .....	1
Brown .....	7	Bon Homme .....	4	Clay .....	4
Charles Mix .....	2	Clark .....	2	Codington .....	5
Douglas .....	2	Davison .....	4	Deuel .....	3
Edmunds .....	1	Faulk .....	1	Grant .....	4
Hutchinson .....	4	Hanson .....	3	Hand .....	4
Hyde .....	1	Hughes .....	4	Hamlin .....	2
Jerauld .....	1	Kingsbury .....	4	Lake .....	3
Lawrence .....	9	Lincoln .....	7	Minnehaha .....	8
McCook .....	3	Miner .....	3	Moody .....	4
Pennington .....	2	Roberts .....	1	Sanborn .....	2
Spink .....	5	Turner .....	4	Union .....	5
Walworth .....	1	Custer and Fall River...	1	Yankton .....	7
Sully and Potter.....	2				

McPherson and Campbell, and that portion of Dickey, McIntosh and Inman south of 40th parallel ..... 1  
 Day and that part of Sargent south of the 46th parallel..... 3  
 Total, 150.

The convention then adjourned.

Dakota was well supported by able and influential papers in its purpose to form a constitution and state government, without the initiative or sanction of either Congress or the Territorial Legislature. The New York Times of July 2, 1882, said of the movement:

The people of the southern half of Dakota have undertaken to form a constitution and to prepare for the establishment of state government without the permission of the ruler, Governor Ordway. The Territorial Legislature at its last session passed a bill providing that a constitutional convention should be held in October next for the purpose of framing a constitution and forming a state government for that part of the territory lying south of the 46th parallel of north latitude, but the governor, who was offended by this action of his misguided subjects, would neither veto nor approve it. He seems to have pocketed it, as the saying is, for the purpose of preventing the enactment of the law over his veto. But the people were not discouraged. They have held a large and harmonious convention, and they propose to do by common consent what they had intended to do under the sanction of a territorial law.

An attempt was made last winter to secure the admission of Southern Dakota as a state. The repudiated Yankton bonds were a stumbling block, but the old indebtedness has since been refunded to the satisfaction of the bondholders. The applicants will come before the Forty-Eighth Congress with a much stronger case than was presented last winter; their opponents will not be able to make objection with reference to population, and it seems clear that the people represented will be practically unanimous in support of the demand. The convention recently held at Huron was the result of a spontaneous movement. More than four hundred delegates were present, and elaborate provisions were made for a constitutional convention of 150 delegates, to be held at Sioux Falls, on September 4th. The delegates are to be elected on August 1st, and the machinery of election is to be controlled by an executive committee. From beginning to end the action will be voluntary and without legal sanction, but its effect may be as powerful as the effect of a convention held under territorial authority would be, for the movement seems to be warmly supported by the people, and nothing but the peculiar course taken by Governor Ordway has withheld that authority which the Territorial Legislature attempted to grant. The governor, who was spoken of in the convention as a "foreign power," and an "unhallowed yoke which must be shaken off forever," is probably unwilling that his province should be shorn of its fair proportions.

It is generally assumed that the application for admission, which will probably be made next winter, will be coldly received. A democratic House of Representatives, it is said, will not listen to the petition, because a majority of the inhabitants of South Dakota will send, in the course of time, two republicans to the Senate. If the applicants come, however, supported by a strong, unanimous public sentiment, and prove that the population of Southern Dakota is not only sufficiently large, but is very rapidly increasing, it will be unwise for democrats to exclude them on partisan grounds. It is tolerably clear that the admission of the new state cannot be long delayed.



## CHAPTER CVII

### CONSTITUTION FRAMED AND ADOPTED

1883

FIRST CONSTITUTIONAL CONVENTION AT SIOUX FALLS—BARTLETT TRIPP, PRESIDENT  
—NAMES OF MEMBERS—LIST OF COMMITTEES—PROHIBITION AN ISSUE—DECLARATION OF RIGHTS—THE DEBATES AND PROCEEDINGS—CONVENTION ADJOURNS  
—CONSTITUTIONAL ELECTION HELD AND CONSTITUTION ADOPTED BY A VOTE OF 12,336 FOR, TO 6,814 AGAINST, THE MEASURE.

#### CONSTITUTIONAL CONVENTION OF 1883

In pursuance of the call authorized by the preliminary convention held in Huron in June, the delegates elected to the constitutional convention appointed to be held at Sioux Falls, beginning Tuesday, September 4, 1883, assembled at Germania Hall, in said city, on the date named, at 12 o'clock, noon, and was called to order by Hon. John R. Gamble, acting for ex-Gov. Newton Edmunds, chairman of the executive committee. Mr. Gamble then read the call under which the convention was held, which is published in the proceedings of the preliminary convention held at Huron, and following the call, the temporary presiding officer called the roll of delegates elected, which had been furnished by the executive committee, as follows:

Aurora County, T. C. Kennelly, Frank P. Baum, S. L. Baker; Beadle County, A. B. McVilleville, C. J. Sheffer, George F. Lane, Charles Reed; Bon Homme County, Robert Dollard, J. L. Turner, C. T. McCoy, F. M. Ziebach; Brookings County, B. J. Kelsey, G. S. Clevenger, T. K. Dudley, A. S. Mitchell; Brown County, M. J. Gordon, W. C. Houghton, A. Grant, L. G. Johnson, E. D. Adams, C. C. Holland, A. O. Titus; Brule County, A. J. Kellam, S. W. Duncan, G. E. Schwindt; Buffalo County, E. A. Hermann, W. H. Crandall, E. W. Cleveland; Charles Mix County, A. B. Lucas; Clark County, S. H. Elrod, C. G. Sherwood; Clay County, Jefferson P. Kidder, F. B. Dawson, J. Kimball, J. R. Whiteside; Codington County, A. C. Mellette, E. D. Wheelock, William Pierce, R. B. Spicer; Davison County, A. W. Hager, A. J. Waterhouse, John M. Pease, John C. Tatman; Day County, M. M. Moulton, D. R. Ruggles; Deuel County, P. A. Gatchell, H. B. Monaghan, E. J. Burridge; Douglas County, J. F. Callahan, S. Simpson; Edmunds County, H. A. Day; Faulk County, P. E. Knox, D. B. Stevens; Grant County, N. I. Lothian, J. C. Elliott, W. T. Burman, B. P. Murphy; Hamlin County, John Hayes, J. P. Cheever; Hand County, B. R. Howell, Charles E. Cort, W. N. Brayton, Henry Miller; Hanson County, Frank B. Foster, L. B. Chapman, H. W. Peck, F. B. Tabor; Hutchinson County, S. M. Daboll, A. Sheridan Jones, Karl Winter, Matthias Schlingen; Hughes County, W. A. Lichtenwaller; Hyde County, Eli Johnson; Jerauld County, C. W. McDonald; Kingsbury County, John B. Smith, Charles B. McDonald, Philip Lawrence, Knute Lewis; Lake County, Mat. W. Daley, R. A. Murray, R. Wentworth; Lawrence County, Gideon C. Moody, Barney Caulfield, Porter Warner, Dolph Edwards, A. J. Knight, J. C. Ryan, W. Wheelock; Lincoln County, Oscar S. Gafford, J. W. Taylor, A. B. Wilcox, M. E. Rudolph, Abe Boynton, A. Sherman, J. A. Conklin; Minnehaha County, R. F. Pettigrew, Melvin Grigsby, W. W. Brookings, Benjamin F. Campbell, John Bippus, Albion Thorne, W. C. Lovering, G. D. Bannister; Miner



County, G. B. Farmer, S. H. Bronson, M. W. White; McCook County, J. E. Rutan, W. S. Brooks; Moody County, C. S. Wellman, H. M. Williamson, A. P. Allen, C. S. Wellman; Pennington County, C. L. Wood, R. C. Lake; Spink County, D. M. Hunt, E. W. Foster, Thomas Sterling, C. N. Keith, A. R. Truax; Sanborn County, Alonzo Converse; Sully and Potter counties, Edmund W. Eakin, J. H. Westover, Frank Byrne; Turner County, Joseph Allen, Christian Epple, Orange Still, A. Bertelson; Union County, C. F. Mallahan, Jesse Aikin, Ole Gunderson; Yankton County, John R. Gamble, Joseph Ward, Bartlett Tripp, Hugh J. Campbell, George H. Hand, C. J. B. Harris, C. E. Brooks; Walworth County, P. C. Knot.

Rev. J. N. McLoney, pastor of the First Congregational Church of Sioux Falls, then invoked the blessing of God upon the convention, in the following prayer:

O thou Almighty and Everlasting God, our Creator, preserver and benefactor, King of kings and Lord of lords, the work of whose hands is perfect and whose laws are holy, just and good, we desire to thank thee for all thy blessings upon us as a nation and as a commonwealth. We rejoice that thy spirit is abroad in this land, and that thou art recognized as the ruler and judge of mankind. As we gather here in an association which teems with such vast interests, full of what may redound to the glory of the commonwealth, we ask that thy perfect wisdom may direct the deliberations of this body. Let the spirit of God develop in the hearts of these men. Direct them toward the upbuilding of humanity. We thank thee for so much of honor to thee and love for humankind as has been manifested, above all personal interests. We thank thee for so much which promises well for this commonwealth which in so many things is full of hope and promises for the future. Assist them in laying the foundations broad and deep. Give them the blessings of thy holy spirit, the direction of thy wisdom—guidance which no human mind can give. Amen.

Judge Jefferson P. Kidder, judge of the Fourth Judicial District, administered to the delegates the oath of office, as follows:

You and each of you do solemnly swear that you will support the Constitution of the United States, and that you will faithfully and impartially discharge your duties as delegates in this constitutional convention.

Judge Kidder, being a delegate to the constitutional convention from Clay County, then took a like oath as delegate which was administered by Mr. Gamble.

A. S. Jones, of Hutchinson, then moved that the convention proceed to the election of a temporary chairman and secretary.

Judge Brookings, of Minnehaha, considered a temporary organization unnecessary, as there are no contests from any county, and all the delegates are sworn in, so that a permanent organization may as well be undertaken at once.

Mr. Jones said the credentials should be inspected.

G. C. Moody, of Lawrence, said:

A temporary organization will be necessary. We have no succession of any other body, and must make provision to establish our records. This convention is a spontaneous outgrowth from the people, and has no record as yet. There must be a secretary, clerks, stenographers, rules, and order of business, committees, etc.

The motion for temporary organization was adopted.

Nominations for temporary chairman being in order, R. F. Pettigrew, of Minnehaha, nominated A. C. Mellette, of Codington, who was unanimously chosen, and upon taking the chair Mr. Mellette spoke as follows:

Gentlemen: I thank you for this unexpected honor, for I hold it to be an honor to be called to preside over such a gathering as this—a duty which would be an honor to any citizen of the United States. We have gathered for the discharge of an important trust, one affecting the dearest privileges of American citizenship—the highest type of civil responsibility. It will require our best judgment and calmest reason, and it will demand that so far as it is possible for human nature to do so, we shall lay aside all prejudices of feeling, and struggle constantly toward securing those results which shall be for the greatest good. Again thanking you, I ask, what work shall we next take up—for this gathering is for work, not merely for words.

J. R. Gamble, of Yankton, nominated C. H. Winsor, of Minnehaha, as temporary secretary, and Mr Winsor was unanimously elected.

Delegate Moody then offered the following resolution.

That a committee of nine persons be appointed by the chair, to rule and order on business, and that such committee be requested to make to this convention a partial report immediately after the permanent organization, to the extent of reporting the number and designation of committees, and the number of persons on each committee.

After some discussion, the resolution was unanimously adopted, and the following named delegates were appointed as such committee: G. C. Moody, of Lawrence; C. J. B. Harris, of Yankton; E. W. Foster, of Spink; Oscar Gifford, of Lincoln; R. F. Pettigrew, of Minnehaha; A. G. Kellam, of Brule; A. B. Melville, of Beadle; William Perce, of Codington and F. M. Zerbach, of Bon Homme.

Delegate Harris, of Yankton, moved that the rules of the Illinois Constitutional Convention of 1860, be adopted by this body for use until replaced by rules of its own.

Delegate Moody said, not a quarter of these members know the provisions of those rules, and we should not adopt anything of which we know nothing. Parliamentary law is recognized as part of the common law, and will be sufficient guidance for us until we can adopt something more especial, the provisions of which we know.

The motion of Mr. Harris was lost.

Delegate Hand, of Yankton, moved the appointment of a committee of five to suggest such minor offices as it will be necessary for the convention to provide. The motion carried, and the chair appointed George H. Hand, F. B. Dawson, of Clay; W. C. Houghton, of Brown; R. C. Lake, of Pennington, and A. S. Jones, of Hutchinson, as such committee.

C. F. Mallahan, of Union, moved that a committee of five be appointed to engage a stenographer, and provide such current printing as may be required for use of the convention. Motion adopted, and the committee was appointed composed of Delegates Mallahan, Porter Warner, of Lawrence; J. L. Turner, of Bon Homme; M. Grigsby, of Minnehaha, and J. C. Elliott, of Grant.

Delegate Daboll, of Hutchinson, moved that the certificates of the delegates be deposited with the secretary as a part of the records of the convention.

Delegate S. L. Baker, of Aurora, opposed the motion, saying: "Members will desire to keep their certificates as mementoes, and I therefore oppose this motion." The motion was lost upon a vote.

The chair announced that the oath had been prepared for the signatures of the members, as required by the ordinance providing for the convention, and that when all had signed it the jurat of Associate Justice Kidder would be attached.

The secretary then presented the report of the committee appointed to suggest such officers as would be necessary for the business of the convention, the same to consist of a president, secretary, first and second assistant secretaries, sergeant-at-arms and doorkeeper, and the appointment of four pages by the permanent chairman of the convention. The report was unanimously adopted.

Delegate Hand, of Yankton, presented a resolution requesting the secretary to invite the clergymen of the different churches of the city for each in turn to be present at the opening of the morning sessions of the convention, and to open the same with prayer.

On motion of Delegate Rev. Joseph Ward, of Yankton, the convention then adjourned until 9 o'clock A. M., tomorrow.

#### SECOND DAY

The second day's session was opened with prayer by Rev. J. M. McBride, rector of Calvary Episcopal Church, Sioux Falls.

The committee on officers reported the engagement of T. G. Brown as official reporter of the proceedings and debates. The convention then proceeded to a permanent organization.

Delegate B. F. Campbell, of Clay County, nominated Hon. Jefferson P. Kidder, of Clay, as permanent president.

Judge Kidder withdrew his name, expressing his thanks for the nomination, and assuring the convention of his appreciation of the honor offered him—an honor of which any man might feel proud. But his official duties were such that he could not in justice to the public interests remain during the convention. He saw that the convention was well equipped with brains, and able for the duties before it, and desired to express his fullest sympathy with the movement and all that it implies, and wished that he might be able to remain until its labors were concluded.

Delegate Brookings nominated Bartlett Tripp, of Yankton, referring to him as a man of the people, and one against whom the criticism of the convention's enemies would certainly have no point, as he was no politician, having never held any office in his life except that of member of the Yankton School Board.

Delegate Caulfield, of Lawrence, moved that the call of the roll be dispensed with, and the secretary be directed to cast the unanimous vote of the convention for Bartlett Tripp. The motion was adopted by a unanimous vote, amid much applause, and Delegate Tripp elected permanent president. Delegates Brookings and Caulfield were appointed a committee to escort the president-elect to the chair.

Mr. Caulfield then presented to the president-elect the gavel used by himself as chairman of the Huron convention.

Mr. Mellette, retiring temporary chairman, then introduced President Tripp, who spoke as follows:

Gentlemen of the Convention: I thank you sincerely for the honor you have conferred upon me and the delegation of which I am a member. I do not feel that I am equal to the responsibility placed upon me, but I do feel that the compliment is one of which any man might well be proud, and that no man had ever been called to preside over a body of men more intelligent, more patriotic, and more truly loyal to that Government of which it is our desire to be a part. I am well aware that the convention is subjected to many criticisms throughout the country; that the ship of state about to be launched upon the troubled sea of criticism, if it reach the great national port at all, depends upon the strength of her build and the character of the freight with which the convention may load her. I have no doubt that wisdom will characterize each movement throughout the proceedings. It has been said that the men assembled here are rebels, but I think they are the most peculiar class of rebels I have ever known or learned about. That instead of being secessionists and asking permission to go out of the Union, if they are fighting at all they are fighting to get into that very Union. This convention is assembled from every portion of the southern half of the territory for the purpose of the organization of a new state—gathered here with all these responsibilities, coming together with united purposes. Some have come long distances to legislate for the purpose of becoming a part of our great National Government. The delegates are gathered with patriotic purposes, and I do hope there will be no cause for any unjust criticism upon any of the methods of any of the members.

The President then took from his desk the gavel used in the Huron convention, and holding it with a firm grip, said with unusual earnestness:

It is hoped that the gavel used in that convention, where it was ably wielded, and which has brought us here today, should continue to be used until our purposes are completed, and the star of Dakota is emblazoned upon the national flag. Once more, thanking you for the kindness of the compliment paid me, permit me to take upon myself the duties of presiding officer of this convention.

The convention then proceeded and elected C. H. Winsor, of Sioux Falls, permanent secretary; H. M. Avery, Sioux Falls, first assistant secretary; T. A. Kingsbury, of Watertown, second assistant secretary, and Joseph M. Dixon, of Sioux Falls, sergeant at arms.

The committee of rules and order of business, by G. C. Moody, reported in favor of the appointment of thirty standing committees, as follows:



On judiciary, 15 members; on executive department, 9 members; on legislative department, 9 members; on bill of rights, 9 members; on elections and right of suffrage, 9 members; on name, boundaries, and seat of government of state, 9 members; on federal relations, 9 members; on education and school lands, 9; on municipal incorporations, 9; on county and township organization, 9 members; on incorporations other than banking and municipal, 9 members; on state, county and municipal indebtedness, 9 members; on revenue and finance, 9 members; on public accounts and expenditures, 9 members; on state institutions and public buildings, including penitentiaries and other reformatory institutions, 9; on manufactures and agriculture; on mines, mining and water rights; on congressional and legislative apportionment; on roads, bridges, and other internal improvements; on exemptions, real and personal; on rights of married women; on military affairs; on banking and currency; on seal of the state, coat of arms, and design of the same; on amendments and revision of the constitution; on printing; on schedule; on miscellaneous subjects; on compensation of public officers; on arrangement and phraseology of the constitution.

Hugh J. Campbell, of Yankton, then introduced the following resolutions:

That a committee of thirteen be appointed to prepare for consideration of the convention, a memorial to the President and Congress of the United States asking for a donation of thirty sections of public land in the State of Dakota, for the purpose of capitol buildings and grounds.

That a committee of five be appointed to draft a memorial to the President and Congress of the United States, requesting the immediate action of Congress in opening for settlement the Great Sioux reservation, in accordance with the pending agreement, so that the barriers now existing between the two great sections of the new state may be removed as speedily as possible.

That a committee of five be appointed, to whom shall be referred the subject of the organization of new counties in that part of Dakota Territory south of the 46th parallel, with instructions to examine and take evidence concerning the alleged grievances of the people of those new counties.

That a committee of one member from each county be appointed to draft an ordinance for taking the census of the inhabitants of Dakota south of the 46th parallel.

That a committee of five be appointed to frame an ordinance to provide funds to defray the public expense connected with the formation of a constitution and state government for the State of Dakota.

In regard to the resolution concerning the opening of the Great Sioux reservation, Judge Campbell said that its immediate and unanimous adoption would do more than anything else to secure a full vote in the Black Hills in favor of the constitution, and he therefore requested that action thereon be taken at once, and that action on the other resolutions be deferred.

C. C. Moody, of Lawrence County, hoped that prompt work would be had in the matter, as it was of vital importance to both the Black Hills and Southeastern Dakota that the great barrier between them should be removed by the adoption of the pending treaty.

A. C. Mellette, of Codington, opposed the action, as being outside the legitimate province of the convention.

R. E. Spicer, of Codington, held the same views and further argued that it is not the proper thing for this convention to take action foreign to its purpose for the purpose of bidding for votes for the constitution which may be framed as has been intimated by the gentlemen from Lawrence.

A. S. Jones, of Hutchinson, made remarks of the same tenor.

Judge Moody replied that it was not a delegate from Lawrence who made the observation alluded to, and stated that his purpose in urging the unanimous adoption of the resolution was that the memorial ought to be at once placed in the hands of the Committee of the United States Senate now investigating the subject of the opening of the Sioux reservation, in order that these senators might thus have a unanimous expression upon the matter coming from the most eminent and best informed body of citizens of the region directly interested. Mellette and Jones, upon this statement of the case, modified their



remarks and withdrew their opposition and the resolution was unanimously adopted.

The chair appointed H. J. Campbell, of Yankton; G. C. Moody, of Lawrence; R. F. Pettigrew, of Minnehaha; A. G. Kellam, of Brule; and A. W. Hager, of Davison, to prepare such memorial.

The convention then adjourned until 9 o'clock the following day.

### THIRD DAY

At 9 o'clock the convention was opened with prayer, by Rev. W. J. Skillman, of the First Presbyterian Church, Sioux Falls. The preceding day's journal was then read.

On motion of Delegate Mellette the journal of the previous day was corrected in the paragraph which made as a special order this day the resolutions offered by Delegate Campbell, at the session of Wednesday. By the correction the resolutions were indefinitely postponed.

Delegate Moody reported from the Committee on Rules, a draft of rules and order of business.

The rules, after some discussion, were adopted as reported from the committee. The chair announced that he had been unable to complete the lists of permanent committees, but would announce them at the afternoon session.

Delegate Campbell, of Yankton, reported from the committee having in charge the Sioux Indian reservation question, as follows:

Your committee appointed to prepare a memorial regarding the opening of the Sioux Indian reservation, respectfully submit the following:

Resolved, That the constitutional convention of Dakota now assembled at Sioux Falls, do unanimously and most urgently represent to the Congress of the United States, that all the great industrial interests of both the eastern and western sections of Dakota, do imperatively demand the immediate action of Congress this coming winter, to open the Sioux reservation to settlement, making all just and reasonable compensations to the Indians. That the necessity of congressional action in this respect is every day becoming more urgent, and that delay therein will subject the people of this territory to great injustice and most serious injury. That a committee of seven members be appointed by the chairman to convey to the committee of the United States Senate, now in the West, the sense of the people of this territory on this question. The committee also ask for further time to report upon the memorial referred to therein.

The report was adopted, whereupon Delegate Campbell stated that a United States Senate Committee were now or soon would be at Omaha, and that a committee should be authorized by the convention to meet the Senate Committee at Omaha and lay before them the wishes of the people of Dakota in this matter.

The chairman then announced the committee authorized by the report, as follows: G. C. Moody, of Lawrence; R. F. Pettigrew, of Minnehaha; B. G. Caulfield and Porter Warner, of Lawrence; A. G. Kellam, of Brule, and A. W. Hagar, of Davison.

On motion of Delegate Harris, of Yankton, 500 copies of the rules and standing committees were ordered printed.

On motion of Delegate Campbell the number of members of the Committee on Schedule was changed from 9 to 22.

The chairman then announced the following standing committees:

Judiciary: Moody of Lawrence; Kidder of Clay; Dollard of Bon Homme; Gifford of Lincoln; Grigsby of Minnehaha; Sterling of Beadle; Westover of Sully and Potter; Harris of Yankton; Wood of Pennington; Mellette of Codington; Lichtenwallner of Hughes; Murray of Lake; Cheever of Hamlin; Farmer of Miner; Dawson of Clay.

Executive: Kellam of Brule; Reed of Beadle; Turner of Bon Homme; Kelsey of Brookings; Duncan of Brule; Whiteside of Clay; Murphy of Grant; McDonald of Kingsbury; Harvey of Lawrence.

Legislative: Kidder of Clay; Gamble of Yankton; Taylor of Lincoln; Elrod of Clark; Pettigrew of Minnehaha; Gatchell of Deuel; McCoy of Bon Homme; Keith of Spink; Day of Edmunds.

**Bill of Rights:** Melville of Beadle; Brooks of Yankton; Clevenger of Brookings; Gordon of Brown; Sherwood of Clark; Pease of Davison; Howell of Hand; Harvey of Lawrence; Hayes of Hamlin.

**Elections and Right of Suffrage:** Jones of Hutchinson; Kennelly of Aurora; Wheelock of Codington; Gundersen of Union; Bannister of Minnehaha; Lane of Beadle; Holland of Brown; Hunt of Spink; Ryan of Lawrence.

**Name, Boundaries and Seat of Government of State:** Allen of Turner; Brooks of Yankton; Whiteside of Clay; Houghton of Brown; McCoy of Bon Homme; Knight of Lawrence; Winter of Hutchinson; Bannister of Minnehaha; Phelps of Codington.

**Federal Relations:** Brookings of Minnehaha; Baum of Aurora; Daboll of Hutchinson; Bippus of Minnehaha; Bronson of Miner; Knox of Faulk; Aken of Union; Warner of Lawrence; Burman of Grant.

**Educational and School Lands:** Moulton of Day; Ward of Yankton; Daboll of Hutchinson; Eakin of Sully and Potter; Thorne of Minnehaha; Conklin of Lincoln; Whiting of Sanborn; Hunt of Spink; McDonald of Kingsbury.

**Municipal Corporations:** Murray of Lake; Baker of Aurora; McVey of Brookings; Adams of Brown; Monaghan of Deuel; Still of Turner; Van Nelsor of Hughes; Allen of Moody; Wheelock of Lincoln.

**Corporations Other Than Banking or Municipal:** Mellett of Codington; Hand of Yankton; Wood of Pennington; Caulfield of Lawrence; Boynton of Lincoln; Kellam of Brule; Melville of Beadle; Brookings of Minnehaha; Waterhouse of Davison.

**County and Township Organization:** Keith of Spink; Campbell of Minnehaha; Lane of Beadle; Apple of Turner; Court of Hand; Gursolly of Lawrence; Schwandt of Brule; Chapman of Hanson; White of Miner.

**State, County and Municipal Indebtedness:** Pettigrew of Minnehaha; Rudolph of Lincoln; Rugles of Day; Edwards of Lawrence; Winter of Hutchinson; Murphy of Grant; Compton of Union; Lucas of Charles Mix; Fakin of Sully and Potter.

**Revenue and Finance:** Pierce of Codington; Bippus of Minnehaha; Foster of Spink; Tatman of Davison; Conklin of Lincoln; Turner of Bon Homme; Wentworth of Lake; Miller of Hand; Brooks of Yankton.

**Public Accounts and Expenditures:** Boynton of Lincoln; Thorne of Minnehaha; Simpson of Douglas; Daly of Lake; Pease of Davison; Wheelock of Codington; Kelsey of Brookings; Whalen of Moody; McDonald of Jerauld.

**State Institutions and Public Buildings Including Penitentiaries and Other Reformatory Institutions:** Ziebach of Bon Homme; Spicer of Codington; Truax of Spink; Chapman of Hanson; Miller of Hand; Aken of Union; Converse of Sanborn; Simpson of Douglas; Thorne of Minnehaha.

**Manufactures and Agriculture:** Mitchell of Brookings; Wheelock of Lincoln; Lovering of Minnehaha; Peek of Hanson; Bertelsen of Turner; Schlingen of Hutchinson; Kimball of Clay; Smith of Kingsbury; Brooks of McCook.

**Congressional and Legislative Apportionment:** Gifford of Lincoln; Pettigrew of Minnehaha; Gamble of Yankton; McCoy of Bon Homme; Pierce of Codington; Lake of Pennington; Sterling of Spink; Ward of Hughes; Foster of Hanson.

**Mines, Mining and Water Rights:** Caulfield of Lawrence; Wood of Pennington; Knight of Lawrence; Burridge of Deuel; Johnson of Brown; Ryan of Lawrence; Sherman of Lincoln; Campbell of Yankton.

**Roads, Bridges and Other Internal Improvements:** Elliott of Grant; Boynton of Lincoln; Phillips of Codington; Wellman of Moody; Callahan of Douglas; Adams of Day; Daly of Lake; Whiteside of Clay; Schoffler of Beadle.

**Exemptions Real and Personal:** Williamson of Moody; Rudolph of Lincoln; Baum of Aurora; Peek of Hanson; Grant of Brown; Getchell of Deuel; Court of Hand; Allen of Turner; Herman of Buffalo.

**Rights of Married Women:** Monaghan of Deuel; Parker of Lawrence; Rutan of McCook; Knox of Faulk; Daboll of Hutchinson; VanVelsor of Hughes; Lewis of Kingsbury; Conklin of Lincoln; Herman of Buffalo.

**Military Affairs:** Brayton of Hand; Campbell of Minnehaha; Kimball of Clay; Dollard of Bon Homme; Moody of Lawrence; Campbell of Yankton; Foster of Spink; Duncan of Brule; Terrell of McCook.

**Seal of State, Coat of Arms and Design of Same:** Foster of Hanson; Ward of Yankton; Jones of Hutchinson; Moulton of Day; Court of Hand; Lawrence of Kingsbury; Caulfield of Lawrence; Williamson of Moody; Dollard of Bon Homme.

**Banking and Currency:** Lake of Pennington; Turner of Bon Homme; Taylor of Lincoln; Warner of Lawrence; Grigsby of Minnehaha; Turner of Miner; Qualey of Brookings; Elrod of Clark; Lewis of Kingsbury.

**Amendments and Revision of the Constitution:** Lawrence of Kingsbury; Rugles of Day; Spicer of Codington; Dawson of Clay; Mallahan of Union; Lucas of Charles Mix; Waterhouse of Davison; Clevenger of Brookings; Baker of Aurora.

**Printing:** Mallahan of Union; Turner of Lawrence; McDonald of Jerauld; Wells of Hughes; Truax of Spink; Rutan of McCook; Ziebach of Bon Homme; Lane of Beadle; Howell of Hand.

**Schedule:** Campbell of Yankton; Hager of Davison; Wood of Pennington; Kellam of Brule; Howell of Hand; Dollard of Bon Homme; Lawrence of Kingsbury; Melville of

Beadle; Mitchell of Brookings; Edwards of Lawrence; Pierce of Codington; Williamson of Moody; Baker of Aurora; Dawson of Clay; Day of Edmunds; Foster of Hanson; Ward of Hughes; Wheelock of Lincoln; Mallahan of Union; Foster of Spink; Moulton of Day; Allen of Turner.

Miscellaneous Subjects: Houghton of Brown; Harvey of Lawrence; Smith of Kingsbury; Johnson of Hyde; Winter of Hutchinson; Brayton of Hand; Callahan of Douglas; Still of Turner; Elrod of Clark.

Compensation of Public Officers: Ward of Hughes; Grigsby of Minnehaha; Mitchell of Brookings; Harris of Yankton; Kellam of Brule; Hager of Davison; Lothian of Grant; White of Miner; Whalen of Moody.

Arrangement of Phraseology of the Constitution: Hager of Davison; Hand of Yankton; Moody of Lawrence; Gamble of Yankton; Taylor of Lincoln; Mellette of Codington; Ziebach of Bon Homme; Bronson of Miner; Westover of Sully and Potter.

#### FOURTH DAY

On the fourth day the convention was opened with prayer by Rev. E. B. Meredith, of the First Baptist Church, Sioux Falls.

A petition from Brookings County for a prohibition clause in the constitution, was referred to the Committee on Legislation.

A memorial from the National Woman's Convention was read, asking for a woman's suffrage clause in the constitution, which was referred to the Committee on Elections.

The report of the state executive committee appointed by the Huron convention was read. It was the duty of this committee to procure the necessary printing for conducting the election of delegates to the constitutional convention. That an apportionment of the expense it incurred was made to the several counties south of the 46th parallel, and it was found to be \$7.50 for the membership in each county. The committee found it could not rely upon the slow process of making collections in the manner at first proposed, so it called by telegraph upon a number of the oldest counties for specific pledge of certain amounts. All of them responded and readily paid their quotas except one county. The committee had printed 8,500 copies of the proceedings of the Huron convention, 500 of which were in pamphlet form. Also 2,000 poll books and 200 abstracts together with circulars, postals, etc. Had all the counties responded to the assessment in accordance with the original request of the committee, it would have received \$1,125. The committee actually received \$590.50, of which they paid \$413.50, leaving a balance of \$117.00, which was turned over to this convention to be used for similar purpose.

The president appointed the following pages: Sioux Grigsby, Willie McCormack, George Dickson, Lynn Pamley.

Hugh J. Campbell, of Yankton, called up his resolution presenting the previous day, providing for a committee to frame an ordinance for taking the census of the territory south of the 46th parallel. He offered as a substitute a resolution creating a committee of thirteen with the president of the convention as the chairman, to devise plans for having the census taken. In support of the substitute Mr. Campbell stated that a census should accompany the memorial to Congress and that the constitutional convention was the proper and only body to have such a census taken. The census should be begun by the latter part of next week. He wanted the committee called for by his resolutions because all other organized committees had all they could attend to already. Not more than thirty days, he thought, should be occupied in taking the census.

A resolution was adopted instructing the president to appoint the following additional committees: On preamble to constitution, 5 members; on administration, 9 members; on impeachment, 9 members, and tenure of office, 5 members.

A resolution was presented and referred to the legislative department, requiring that committee to consider the question of minority representation in the Legislature, with a view to incorporating a provision for such representation in the constitution.



The question of prohibition was prominently before the convention, and it had not been definitely settled whether to incorporate prohibition in the constitution or leave it submitted to the people as a separate article at the same election. The convention had the votes to pass the proposition and make it a part of the constitution, but the sentiment of some of the strongest prohibitionists was opposed to this, knowing that it would drive a large vote to oppose the constitution when it came before the people for adoption. Rev. Joseph Ward was recognized as one of the leaders of the prohibition sentiment and he was a member of the convention. Very early in the session he gave out the following statement showing their position of the prohibition element.

He stated that he regarded it of the highest consequence to the future of the prohibition movement itself that statehood should first be secured, and to that end everything should be done to facilitate the work of the convention and its ratification by the people. A prohibition clause would prove to be an issue of reform at the wrong time and might defeat the constitution itself, and array the whisky ring of the whole country against the admission of South Dakota. Aside from this, he favored the gradual agitation of prohibition among the people before they are asked to vote for or against it. He was here at the convention not as a prohibitionist but as a delegate of the people, sent here for a distinct purpose, and intrusted with a duty he meant to perform impartially. He did not think a prohibition convention would have any encouragement from the temperance people in the constitutional convention, should it endeavor to force a consideration of a prohibitory clause.

Rudolph, of Lincoln, offered a resolution, that the constitution ought to provide for county courts in the several counties, and in addition to the probate jurisdiction conferred upon them by territorial laws, should be vested with jurisdiction in all cases of misdemeanor and with jurisdiction in all civil suits where the debt or damages claimed does not exceed \$1,000. Referred to the judiciary committee.

The convention then adjourned to 10 o'clock the next morning.

#### FIFTH DAY

The convention opened with prayer by Rev. E. P. Livingston, of the Reformed Church.

Petitions of considerable length from the prohibitionists of Kingsbury and Brookings counties were referred to Committee on Elections.

Delegate Brayton, of Hand County, from the Committee on Military, submitted a complete report, containing sections, the first of which stated that the military of the State of Dakota shall consist of all able bodied males between the ages of eighteen and forty-five years, except such persons as now are or hereafter may be exempted by the United States or the state.

The seventh section says that no person having conscientious scruples against bearing arms shall be compelled to do military duty in time of peace, but may be required to pay an equivalent for such service. The other two sections were of a nature usually found in state constitutions bearing upon military.

A report, which was pronounced as probably a complete one, was made by the Committee on Elections and Rights of Suffrage. It was composed of eight sections and contained the usual safeguards commonly found in state constitutions, excepting the eighth section, which provided that notwithstanding anything in the article, any woman, being a citizen of the United States, of twenty-one years of age, and having the qualifications of an elector as to residence, may vote at any election held for the purpose of choosing any officers of schools, and shall be eligible to hold any office pertaining to the management of schools.

A long discussion followed upon a question raised by Delegate Mellott, who desired to save time by requiring all reports of standing committees to be first considered in committee of the whole. The discussion finally led to a motion



that the rule of the convention requiring the president to vacate the chair while the convention was in committee of the whole be modified so that the president might retain the chair while the convention is in committee of the whole.

The president here said: "The motion is out of order. A committee of the whole means a committee of the whole, and such a rule could not possibly be amended."

Delegate Brookings thought the United States Senate considered questions in committee of the whole without requiring a senator to take the president's chair.

The resolution was finally tabled by a close vote.

The president announced the following additional standing committees called for by resolutions of the day before:

Administrative: Day of Edmunds; Campbell of Minnehaha; Bertelson of Turner; Ward of Yankton; Hayes of Hamlin.

Transportation: Schwindt of Brule; Gifford of Lincoln; Moulton of Day.

Preamble of Constitution: Johnson of Hyde; Burridge of Deuel; McDonald of Jerauld; VanVelsor of Hughes; Wentworth of Lake; Ruggles of Day; Getchell of Deuel; Harris of Yankton; Gunderson of Union; Hermann of Buffalo; Schlingen of Hutchinson; Clevenger of Brookings; Schoffler of Beadle; Bronson of Miner; Edwards of Lawrence.

The convention then adjourned to 10 o'clock Monday morning.

#### SEVENTH DAY

At 10 o'clock, Monday morning, September 10th, Rev. J. N. McLoney, of the First Congregational Church, Sioux Falls, opened the convention with prayer.

From Beadle, Lincoln, Hamlin, Kingsbury and Davison counties were received petitions on the subject of prohibition, asking that it be incorporated in the constitution. A separate petition from numerous citizens in different parts of the state asked that the question be submitted to a vote when the constitution is submitted to the people for ratification.

The Committee on Education and School Lands reported, in substance, as follows:

The laws referring to the establishment and governing of schools are left to the Legislature to enact. In relation to school lands, which is an important feature, it is provided that all proceeds from the sale of public school lands and property for educational purposes granted by Congress, and all donations to school interests, shall remain a perpetual fund for the maintenance of schools. This fund can be increased but not diminished. The usual methods of increasing and maintaining the fund are incorporated. No land can be sold for less than ten dollars per acre which has been appropriated for school purposes, and that sold within ten years shall not exceed one-third of all lands set apart for the use of public schools. No school officer shall be allowed to be interested in the sale or rental or other disposition of public school lands. The usual means are incorporated relating to normal schools and the funds for them.

The report was ordered printed.

The Committee on Preamble to the Constitution reported as follows:

We, the people of the Territory of Dakota, having the right to admission into the Union as one of the United States of America by virtue of the Ordinance of 1787 and the treaty of cession of the Province of Louisiana and by virtue of the guaranties of the Constitution of the United States, all the necessary conditions of said compacts and treaties of cession having been fulfilled on the part of the people of the Territory of Dakota, and we of right being entitled to a change from our territorial condition to the enjoyment of all the rights of state government as a free and independent state in the Union, do now, in convention assembled, in order to establish justice, promote the welfare and insure the blessings of liberty to ourselves and to our posterity, ordain and establish the following constitution, and form ourselves into a free and independent state by the name of the State of Dakota.

Delegate Alonzo Converse, of Sanborn County, offered a petition from citizens of the proposed state, asking that at the same time the constitution is sub-

mitted to vote of the people, a clause prohibiting the manufacture or sale of intoxicating beverages in the state be also submitted to a vote. The object in offering the petition, he said, was to bring the subject of prohibition before the convention for discussion.

There are many people in Dakota who favor prohibition and its incorporation in the constitution. Prohibition is not to be considered as an expediency but as a right. I was sent here with the understanding that whatever is adopted must go before the people at the polls, and I would not do my duty if I failed at least to attempt to bring this subject before the people, knowing that a large majority of my constituents favor it. This I would do as a matter of justice to those who sent me here, no matter what my own ideas may be on the subject. It is a matter of good policy to place it before the people to satisfy the element promoting it. The matter should be settled at the very outset. If I favored prohibition I would favor submitting it to a vote of the people, to the end that all agitators be quelled. If I disapproved it I would favor settling the question now and at the polls. I believe it is the only democratic way of settling such issues. It would also be advantageous to the supporters of the constitution. It would call out a full vote on the constitution. I do not see why a solitary vote should be lost or cast against the constitution if the subject of prohibition is submitted with the constitution, to the people for ratification. Other questions might also be submitted that would help out the vote on the constitution.

The president, at the close of Mr. Converse's remarks, stated that until the convention otherwise ordered, he would permit remarks upon the presentation of petitions. The Converse petitions were referred to the Legislative Committee.

A resolution was offered and referred to the Committee on Corporations other than Banking, directing that committee to take into consideration the expediency of providing that the Legislature shall from time to time pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on the different railroads in the state, and for the election of three railroad commissioners by the qualified electors of the different districts, to be made as nearly equal in population as practicable, whose duties it shall be to see that the railroad laws are faithfully complied with; the commissioners to be qualified electors of the state and district from which they are elected, and who shall not be interested in any railroad corporation or other transportation company as stockholder, creditor, agent, attorney or employee.

Delegate J. H. Westover, of Sully and Potter counties, offered the following, which was referred to the Committee on Township and County Organizations:

Whereas, A number of unorganized counties, lying within the boundaries of the proposed State of Dakota, contain more than the requisite number of resident voters to entitle them to county organization under territorial laws, and some of them a greater population than counties which have been organized by favor of the territorial executive; and

Whereas, The qualified voters of such unorganized counties have petitioned in vain for such organization, and are by reason of such want of organization practically disfranchised, and the inhabitants thereof are unjustly deprived of the many advantages derived from such organization; and

Whereas, All of such counties are justly and equitably entitled to organization and to recognition as such in the proposed State of Dakota; therefore be it

Resolved, That at the first election of state or county officers the counties of Hyde, Buffalo, Jerauld, Potter, Faulk and Campbell, with the territory lying between the north line thereof and the 4th parallel, and the County of McPherson and the territory lying between the north line thereof and the 46th parallel, be authorized to participate in the election of state officers, in every respect as such election may be held in any other county in said state, and that such counties may be considered organized as fully and completely as though previously organized by favor of the territorial executive, and that the proper committee be requested to consider the means of accomplishing the object of this resolution.

The report of the Committee on Elections and Right of Suffrage was then taken up, and was voted upon by single sections.

J. R. Gamble, of Yankton, moved to amend by making the required citizenship in the United States, one instead of three years. He said it was a matter of policy. The large number of foreign born citizens here would be pleased if one year was substituted, and we should make no mistake.

Delegate Robert Dollard, of Bon Homme, thought the section should be amended to include "all electors at the time the constitution goes into effect."

Delegate Gamble showed that in many of the states the time required to make one a citizen was only six months, and in some one year.

Delegate A. C. Mellette, of Codington, favored the amendment. While it is a fact, said he, that a great number of foreigners come here who are not competent to vote under three years, it was a fact that many of them were not competent to vote after they had been here twenty years, and yet many come here who are possessed already of the competency. A residence of one year was enough. He thought the motion of the gentleman from Bon Homme (Mr. Dollard) not apropos to the original motion to amend. He offered a sub-section, reading: "And all persons who shall be qualified electors under the laws of this territory at the time of the ratification of this constitution at the polls." The motion as amended was adopted.

Delegate F. P. Baum, of Aurora, moved to amend line one by striking out the word "male." He said that inasmuch as so much consideration was given the vote of foreign-born people, the ladies should be allowed to vote. The amendment received but three votes and was lost.

Delegate George H. Hand, of Yankton, moved that the Committee on Elections and Right of Suffrage be instructed to report another section in lieu of and covering the same points as section 8, but couched in less objectionable phraseology, capable of only one construction.

The first section as finally amended gave the voting privilege to every male person over the age of twenty-one years who had resided in the United States one year, in the state six months, in the county thirty days and in the precinct ten days. The section giving the ballot to women at school elections was stricken out.

Delegate Mellette offered a substitute to section 8 of the election report covering suffrage. He said that it gave the Legislature power to enlarge but not restrict the right of suffrage. He claimed that the right of suffrage as established by states throughout the country was agitating the people, and that it would be wise in this new state to provide that the rights of suffrage may be extended without changing fundamental laws. He would have the right of suffrage left in the hands of the people.

Delegate Campbell, of Yankton, thought the convention on the brink of a dangerous precipice. When once granted to any class of citizens under this clause proposed, suffrage can never be revoked.

Delegate Brookings, of Minnehaha, said the Legislature had had the privilege for twenty years of enlarging the right of suffrage and had never abused it. It was before the Legislature once, and can safely be entrusted there again. He supported Mr. Mellette's proposition. There is no other subject, he said, that could be left to the Legislature as safely. He was opposed to woman suffrage generally. He did not want to impose suffrage upon them. He would be willing to confer the right of holding any office, however, because woman is competent to hold office, but she should not vote. It would not benefit her to vote, but it would to hold office.

Delegate M. Grigsby, of Minnehaha, opposed the proposition, because it gave too much latitude to the Legislature, irrespective of constitutional provisions. It permitted an enlargement of the rights so as to confer it during the heat of some uprising, and prohibited a restriction of it again when cooler judgment should prevail.

The matter then went to the Committee on Phraseology without a vote.

A motion was made that the report of the Committee on Preamble be taken up and acted upon without printing. Delegate Robert Dollard, of Bon Homme, most strenuously and emphatically objected. He declared that it was the business of this convention to discover whether or not the statements contained in that preamble are really true. He could undertake to demonstrate to anybody



that the ordinance of 1787 did not apply to Dakota, and there are other assumptions therein which he wanted to have spread before the convention before he argued them, in order that the members might see exactly what they are. He felt that the adoption of such sentiments as these would leave this movement liable to condemnation as treasonable, and was of the opinion that it was totally unnecessary to burden the constitution with so much preamble of such quality. Therefore he wanted it printed, so that the members could comprehend its enormity before being asked to take action on it as a body.

At 12.45 the convention adjourned until 10 o'clock Tuesday morning.

#### THIRTH DAY

At the opening of the convention, Rev. Dr. Joseph Ward, of Yankton, offered prayer, Tuesday morning, eighth day.

Petitions for the submission of prohibition to a vote of the people at the same time the constitution was voted upon were submitted, offered by Delegate Schefler, of Beadle; Pettigrew, of Minnehaha, and Porter Warner, of Lawrence, and referred to the Committee on Judiciary.

A protest was received from Sully and Potter counties, against excluding from the constitution a section giving to women the right of suffrage.

Delegate Pettigrew, Minnehaha, from the Committee on State, County and Municipal Indebtedness, submitted a report, substantially as follows:

The state shall not loan its credit or make donations except in case of public calamity, in aid of any individual or corporation, nor subscribe to or become the owner of the capital stock of any association or corporation, nor engage in any work of internal improvement. The state shall not incur over five hundred thousand dollars indebtedness except for the purpose of repelling invasion or defending the state or United States in war. No town or city or county or municipality or other subdivision shall ever make donation to or loan its credit in aid of, or subscribe to the capital stock of any association or corporation, or engage in any work of internal improvement or become responsible for the debts of any individual, association or corporation. No debt of any county, city or school district shall ever exceed five per centum of the assessed value of its taxable property.

Delegate A. Boynton, of Lincoln County, from the Committee on Public Accounts and Expenditures, submitted a report containing but little new matter. It forbade the Legislature from granting any extra compensation to any public officer, agent or contractor, after service had been rendered or a contract made, nor authorizing the payment of any such claim.

Delegate A. B. Melville, of Beadle, from the Committee on Bill of Rights, reported. The report gave free thought on all religious matters, free speech, and freedom in sentiment in newspaper publications. Granted the usual rights of trial by jury, and habeas corpus proceedings. No distinction shall be made by law between resident aliens and citizens in reference to the enjoyment of descent of property. No law shall ever be enacted granting to any citizen or class of citizens privileges or immunities which upon the same terms shall not equally belong to all citizens.

The report from the Committee on Impeachment and Removal from Office possessed the usual features common to such articles in state constitutions.

Delegate C. N. Keith, of Spink, reported from the Committee on County and Township Organizations, the preamble and resolution regarding the organization of new counties, which was referred to the Committee on Schedule.

Majority and minority reports were made by the Committee on Rights of Married Women. The majority declared that the real and personal estate of every female, acquired before marriage, and all the property to which she may become entitled by gift, grant, inheritance or devise, shall be and remain the estate and property of such female, and shall not be liable for the debts and obligations of her husband.

The minority report was signed by Solon M. Daboll, of Hutchinson County, and holds that all real and personal property and all earnings of either husband



or wife shall be his or hers after marriage, and subject to full control and personal responsibility, the same as before marriage, and not liable to the individual liability of the one in whom the title is not vested. But the homestead of any family, not exceeding 160 acres, not included in any city or village, nor exceeding \$2,000 in value, and owned by either husband or wife, shall not be sold by one without the consent of the other, and in the case of the death of one, the other shall become the owner of the homestead.

From the Committee on Elections and Suffrage, to take place of the eighth section, which had been rejected, the following was submitted:

Any woman having the qualifications enumerated in section 1 of this article, as to residence and citizenship, may vote at any election held solely for school purposes, and may hold any office relating to schools in this state.

Delegate G. C. Moody, of Lawrence County, submitted a resolution, which was referred, directing that the Committee on Executive be instructed to take into consideration and report a proposition for incorporating into the constitution a section providing for the limitation of the pardoning power of the governor, by providing a board of pardons, upon whose recommendation only, after investigation, shall a pardon be granted.

Delegate Converse, of Sanborn County, offered a resolution asking that at the same time the constitution is submitted to the people for adoption or rejection, a proposition be also submitted to amend the same, by striking out the word "male" from the article on the right of suffrage, to be submitted separately to the electors for adoption or rejection, in the following manner: A separate ballot may be given to those entitled to vote, and the proposition may read, Shall the word "male" be stricken out of the article on the right of suffrage? "Yes," and the same proposition will be made with the answer, "No."

The resolution was referred to the Committee on Schedule.

Delegate McDonald, of Kingsbury County, submitted a resolution directing the president to appoint a special committee of seven to draft a plan for submitting the question of prohibition to a popular vote at the same time the constitution is offered to a vote.

The resolution was adopted.

A resolution was offered by Delegate A. Boynton, of Lincoln, and referred to the Judiciary Committee, instructing the committee to consider the expediency of providing for the election of a governor and members of a Legislature.

Delegate Rudolph, of Lincoln, moved that as there are many Scandinavians in South Dakota who cannot read the English language, the Committee on Printing be instructed to confer with printers relative to printing the constitution, when adopted, in the Scandinavian language. The motion prevailed.

The report of the Committee on Preamble was taken up for consideration. Delegate Dollard thought the convention was not ready to consider the preamble, and that there were fatal objections to it, and that it should be deferred, and that the constitution in all its bearings might be first considered.

Delegate Jones, of Hutchinson, offered a substitute for the preamble, being a brief declaration that the people of the territory desiring statehood had adopted the constitution and asked admission to the union of states.

Then followed a lengthy debate upon recommitting the preamble. The members of the Committee on Preamble claimed that great care had been taken in framing the report, with a view to bringing out all the claims that could be made for statehood.

Delegate Brookings said:

This seems to be a matter of a great deal of importance. I doubt if we can claim anything under the cessions and treaties mentioned in the preamble. We should claim statehood under later and newer rights. There are legal questions involved and the matter should go to the judiciary.

Delegate Campbell, of Yankton (reading from the preamble presented by the Territory of Michigan):

Michigan came into the Union under the Ordinance of 1787. Arkansas cited the Treaty of Louisiana also. So did Florida, whose treaty was with Spain. I, however, have no objection to referring this preamble to the Committee on Judiciary.

The report was referred to the Judiciary Committee.

The report of the Committee on Education and School Lands was taken up for adoption, and the first and second sections were adopted after some discussion, without amendment.

Delegate Brookings moved to strike out the words in section 2, "together with the net proceeds of all fines for violations of state laws," in connection with the income of the school fund. He did not object to certain proceeds from fines accruing to the school fund, but he did to all.

Delegate Mellette argued in favor of the adoption of the section as reported. It had been carefully considered in all its bearings before being reported to the convention. There is a fitness in considering the reports carefully by the committees, and such work should be duly regarded by the convention. The proceeds of the school fund would not become too large under the provisions of the section; if so, the clause could thereafter be amended or repealed. The common school fund should be a general fund. A wealthy county, with a large city, should not be allowed all its proceeds from fines, while no part of it went to the sparsely settled county. The fund should be distributed *pro rata*.

Delegate Joseph Ward, of Yankton, said:

There is no intention to increase the principal. It is intended to make it easier for new counties to maintain their school fund.

The motion to amend was lost.

A long debate grew out of an effort to amend the minimum price upon school land. Several delegates believed \$10 an acre too high, and that \$5, or \$7, was enough; that \$10 an acre would keep the land off the market.

Delegate Melville, of Beadle, said that one-third of the school land was already worth more than ten dollars an acre, and the section provided that one-third may be sold within ten years.

The proposition to amend failed.

Delegate Mellette offered an amendment requiring advertising in newspapers of school lands offered for sale, which was adopted.

The debate on education and school lands continued into the afternoon session, giving way briefly to a motion by Delegate Jones, of Hutchinson, that all speeches be limited to five minutes' time, and no delegate to be allowed to speak more than twice on the same subject.

Delegate Rudolph, of Lincoln, offered an additional section to the article on education, providing that all school books and stationery shall be furnished free to orphans and destitute children, the supplies to remain the property of the state. He thought that inasmuch as the books could be returned and used by several children in succession, it would be a matter of economy.

Delegate Ward, of Yankton, stated that he had had charge of such an arrangement at Yankton, and in five years only one child had asked for books, and they were subsequently paid for. The rental of books was the better way.

Delegate Daboll, of Hutchinson:

Hadn't we better leave something for the Legislature to do?

Delegate Mellette moved an amendment instructing the Legislature to provide for uniformity of text books, they not to be changed any oftener than once in five years.

Several delegates favored the proposition of Mr. Mellette, for the reason that they did not want to buy a new set of school books every winter.

Delegate Moody offered an amendment directing the Legislature to provide for compulsory education. Adopted.

The entire report was then adopted, and the article referred to Committee on Phraseology.

The report of the Legislative Committee was next considered. Delegate Canfield, of Lawrence County, moved that section 2 of the report be recommitted to the committee with instructions to consider the minority representation question.

The twenty-second section provoked discussion, and Delegate Moody, of Lawrence, objected to the further consideration of the report. Section 22 read as follows:

No bill, except general appropriation bills, shall be passed containing more than one subject, which shall be clearly expressed in its title.

But if any subject shall be embraced in any act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed.

Delegate Campbell, of Yankton, favored the section in a very strong speech, in which he arraigned the territorial executive and the acts of the Legislature. He said such proceedings were a burning shame to Dakota, and he hoped the section would be adopted, that such disgraceful conduct as that ascribed to the executive be not repeated.

Delegate Pettigrew supported the section in a convincing argument. He believed it one of the most important sections to be incorporated in the constitution. It was sure to do good, and could not possibly do harm.

Before a vote was taken, the convention adjourned to 10 o'clock Wednesday.

#### NINTH DAY

The convention was opened with prayer by Rev. W. J. Skillman, pastor of the First Presbyterian Church of Sioux Falls.

Consideration of the report of the Legislative Committee was at once resumed, beginning with section 22, forbidding the passage of bills containing more subjects than were expressed in the title.

Delegate Hand, of Yankton, moved to strike out the whole section, because it was pure legislation.

Delegate Daboll, of Hutchinson, said:

All we do here is legislation. This is a matter, however, that should go to the people.

Delegate Gamble, of Yankton:

I admit this is legislation, but any one can see the wisdom of it. We can't have anything too strong or too clear on this subject, as instance the acts of the last Legislature. We want the Legislature to remember this. It can do no harm and may do good.

The motion was lost and the section was adopted as reported by the committee.

Section 33 was adopted without question and received a flutter of applause. It read:

Any governor of this state who asks, receives or agrees to receive any bribe upon any understanding that his official opinion, judgment, or action shall be influenced thereby or who gives, offers, or promises his official action in consideration that any member of the Legislature shall give his official vote or influence on any particular side of any question or matter upon which he may be required to act in his official capacity, or who menaces any member by the threatened use of his veto power, or who offers or promises any member that he, the said governor, will appoint any particular person or persons to any office, then established or thereafter to be established, in consideration that any member shall give his official vote or influence on any matter pending or thereafter to be introduced into either

house of said Legislature, or threatens any member that he, the said governor, will remove any person or persons from any office or position, with intent to in any manner influence the official action of said member, shall be punished in the manner now or that may hereafter be provided by law, and on conviction therefor shall forfeit all right to hold or exercise any office of trust or honor in this state.

There were smiles and congratulations when the section was adopted. The scenes at the last Legislature, in which Governor Ordway figured so conspicuously, were fresh in the minds of the delegates.

The report was then referred to the Committee on Phrascology.

An additional section was introduced giving the minority representation in the Legislature.

J. R. Gamble, of Yankton:

An act of omission is less reprehensible than an act of commission. This is an objectionable matter and should be left out.

Delegate Grigsby moved that it be referred to the Judiciary Committee.

H. J. Campbell, of Yankton:

I find that a number of the states have the same provision in their constitution (naming them).

Delegate Moody:

The provision should go to the legislative committee. I move that it be so referred. The section is very proper.

It was referred to the Legislative Committee.

Delegate Gamble, in reporting petitions back from the Legislative Committee on the subject of prohibition, said the committee had taken into consideration the subject of prohibition, and would report it all back without recommendation.

Delegate G. C. Moody:

So far as I am concerned, I have been unable to reconcile myself to the new theory of minority representation. I cannot see how minority representation can be made to work in this new state. It may be successfully operated in old states, but I fear not here. It will work the grossest injustice. It appeals to passion, and not to cool judgment. If we were settled as to immigration, or political parties, it might be made to work practically. The smaller counties would be deprived of representation. For instance, Day would have to be attached to Brown County, and as Brown County out-votes Day, Day would not be represented. I favor the adoption of my substitute of yesterday in place of section 2 as reported. It gives a minimum of forty representatives, a maximum of eighty, and a minimum of twenty senators.

Delegate Charles Sterling, of Spink:

I move the adoption of the report of the minority as a substitute for section 2. We can do nothing better than to give the minority a representation. The majority may rule—it should—but that should not preclude the minority from having representation. The plan has been tried elsewhere and found unsatisfactory only by disappointed politicians. It compels precincts to put up good men for the Legislature. Anything but minority representation is not a republican form of government.

Delegate C. L. Wood, of Pennington:

Minority representation at this time in Dakota would lead to disastrous results. The democrats I represent are in the minority, and they don't want anything of this kind. The majority must be held responsible for legislation, and should be, but by minority representation it must share the odium of mistakes of the majority. The convention should sit down upon it.



Delegate Jones, of Hutchinson:

I oppose the proposition from principle. The majority should rule alone. We fight in political campaigns for principles, not men. We should hold to the old plan. It has been said that minority representation works well. Has not the old plan been found to work well? Minority representation is an experiment.

Delegate Robert Dollard, of Bon Homme:

I favor minority representation because the minority have rights. The minority in Illinois send the ablest and best men to the Legislature. It may be said that that is because those men are sent from the democracy. That may be. (Laughter.) Minority representation has worked well wherever tried.

Delegate J. R. Gamble:

I have talked with Illinoisians, and they say minority representation is a humbug and would not carry by a popular vote. An attempt to engraft this into our constitution will make trouble. It is now a new operation in only one state.

Mr. Day, of Edmunds, moved to lay the minority amendment on the table, which prevailed, and the subject was settled for the time at least.

Continuing with the legislative report, it was moved to increase the number of senators to forty.

Delegate Moody said:

It is a humbug to suppose that a large body of legislators were less corruptible or could legislate to better advantage, than a smaller body. The reported number (fifty representatives and twenty-five senators) were enough for the State of New York, he thought.

Eli Johnson, of Hyde:

The gentleman of Lawrence (Mr. Moody) speaks the sentiments only of the people of a large town. It is not the sentiments of those in counties not thickly populated. The representatives get only three dollars a day, and we should have a large representation.

W. W. Brookings, of Minnehaha:

The upper branch of the Legislature should be kept small, even if the lower branch is large.

The amendment failed, and the section as reported was adopted.

Delegate A. B. Lucas, of Charles Mix County, offered an amendment that the assent of two-thirds of the members of both branches of the Legislature shall be secured on all appropriation bills.

Delegate Pettigrew, of Minnehaha:

That section would work great injury and is dangerous.

The amendment was tabled, and the report, as finally adopted, was referred to the Committee on Phraseology.

The majority of the Committee on Exemptions, Real and Personal, reported, referring to the laws relating to homesteads and exemptions, and prohibiting a change in laws relating to the kind and amount of personal or real property exempt from seizure and sale for the payment of debts contracted prior to the passage and publication of the act making such change.

The Committee on State Institutions and Public Buildings submitted its report. It creates a state board of prison directors, to consist of five persons, to be appointed by the governor, to be confirmed by the Senate, to hold office for five years, and to have charge of state institutions and employees. Legislation is referred to the Legislature.

Delegate H. J. Campbell, of Yankton, reported from the Special Committee on Census:

That there be appointed by this convention one chief enumerator for each county in the state, who shall have the general supervision of taking the census of the state. The county enumerator shall appoint one enumerator for each township, district, ward or precinct in his county, taking care to appoint a sufficient number to ensure a speedy enumeration of all the inhabitants of his county. The returns of the enumerators are to be made in writing, giving name, age and sex, to the county enumerator, who shall collate all returns and return them to the chief enumerator. He in turn shall collate all returns from counties and place them in possession of the chairman of the committee. The enumerators are to complete their work and make returns before the 1st of November, 1883, and the chief enumerator must submit his report to the chairman of the committee before December 1, 1883. The pay of the enumerator is 3 cents for each inhabitant enumerated by him, and the county enumerator shall receive 1 cent for every five persons enumerated in their county, and the chief enumerator 1 cent for every ten persons. The chairman of the committee shall issue a certificate of the amount due each person, and the first Legislature after the adoption of the constitution shall make provisions for their payment.

The report was ordered to be printed.

Porter Warner, of Lawrence County, reported that T. G. Brown and Tom Hooker had been employed as stenographers for the convention and had already entered upon their official duties.

Delegate Campbell, of Yankton, offered a resolution changing the hours of meeting of the convention to 9 A. M. and 7:30 P. M. Consideration deferred.

The majority report of the Committee on County and Township Organization was called up for adoption. Discussion followed, without much progress, participated in by Delegates Gamble of Yankton, Mellette of Watertown, B. F. Campbell of Minnehaha, and Moody of Lawrence, terminating with a motion to refer the report to the Committee on Legislation.

Delegate Pettigrew:

If this report is referred to the committee we will know no more about what the convention wants than is known now. The question does not involve legislation, but merely places a limit on legislation.

The report was not referred. Delegate Pettigrew submitted an amendment prohibiting the consolidation of counties.

Delegate Moody submitted an amendment that no organized county can be divided or consolidated without the consent of the majority of voters of such county or counties.

This proposition led to discussion over the question as to how organized counties should be divided or consolidated. It seemed an insoluble problem. The section as reported by the committee provided that division and annexation and the formation of two counties from one should be effected by the Legislature after a majority of the people interested should direct by a majority vote.

The noon recess was taken at this point, and upon reassembling, Delegate Brookings submitted a substitute for the entire report of the committee, claiming that the rock upon which the convention split was section 4, relating to the removal of county seats by a three fifths vote, which was objectionable to many.

A delegate moved to refer the Brookings substitute to the Committee on Printing.

Delegate Campbell, of Yankton, stated that he was advised that a large number of delegates would leave the city on Friday, hence the work should be hurried, else the work of the convention would not be completed.

The substitute of Mr. Brookings was adopted, when Delegate Moody moved a reconsideration of the fourth section. He said that under the section as adopted it was possible to cut off a tier of townships too small to make a county, and hence would be left out of any county. He offered an amendment which provided that the Legislature might add territory to a county without the consent of the county, provided that provision be made for the debts of the territory annexed.

The section as amended was adopted.

Delegate Mellette from the Committee on Corporations other than municipal and banking, reported:

The report refers to the Legislature the origin of general laws providing for corporations. The property of corporations, except for charitable, religious and educational purposes, now existing and hereafter produced, shall be subjected to a uniform rate of taxation with other property. The state cannot become a stockholder in any corporation or assume any liabilities of any corporation, nor grant subsidies, unless such debt or liability shall be incurred or such subsidy granted in time of war for the benefit of the state. No street or passenger railway or telegraph or telephone line shall be constructed within the limits of any town without the consent of its citizens.

The Committee on Seal of the State, Coat of Arms and Design of Same submitted a report.

The coat of arms shall be a shield draped with the American Flag, depending from the beak of an eagle. In the background of the shield a range of hills and the chimney of a smelting furnace. In the center of the shield a river bearing a steamboat. On the hither bank of the river a train of cars. In the middle foreground a field of wheat and a field of corn. In the immediate foreground a white man at his plow. In the left foreground an Indian and tepees. Both white man and Indian are looking at a rift in the clouds where appears the legend, "Fear God and take your own part"—this legend to be the motto of the State of Dakota.

The report of the Committee on Public Accounts and Expenditures was taken up for adoption, and the first three sections adopted.

The report of the Committee on Name, Boundaries and Seat of Government was called up. After reading the report, the boundary lines were discussed by Delegates Gamble, of Yankton, and Moody, of Lawrence. The changing river beds and channels were discussed in all their bearings, and all the suspected weak points of the report considered. Delegate Joseph Ward, of Yankton:

Have we not jurisdiction over all that portion of Dakota that Nebraska has been trying to steal from us and which she has not succeeded in stealing?

The president.

The gentleman from Yankton propounds a question difficult to answer.

On motion of F. P. Baum, of Aurora County, the first line, to-wit: "Resolved, That the name of the proposed State of Dakota," was stricken out. The report was then adopted with slight amendments. An additional section was offered by Delegate Campbell, of Yankton, providing that no law permanently locating the seat of government shall be valid until submitted to and ratified by the people at the polls. The amendment was referred to the Committee on Seat of Government.

A substitute for section 8 of the report of the Committee on Elections and Right of Suffrage, was put upon its passage. It provided that any woman, having the qualifications of a male elector as to residence, age and citizenship, may vote at any election held solely for school purposes, and may hold any office relating to schools.

Delegate Brookings moved to amend by making it read: "And may hold any office in this state." Mr. Brookings said he could see no impropriety in making woman eligible to hold any office, although he was opposed to Woman Suffrage.

Delegate Mellette.

I think the report of the committee is all right. There is a fitness in allowing a mother to vote upon matters pertaining to the education of her children. She can do it intelligently. She has no superior in such a qualification. It should not be laughed down.

Delegate Jones, of Hutchinson.

In reporting this substitute the committee considered it but just to continue this right to woman. I am against giving women the right to vote at all elections until she shows an inclination to accept this privilege of suffrage.



### Delegate Moody.

I favor woman suffrage. I am not like the gentleman from Codington (Mr. Mellette), who is willing to trust his children to woman, but not himself. Give woman the ballot, let her hold office, and you raise her at once in intelligence. I know of no reason why my wife and daughter are not as able to hold office as I am, though they may not be as willing. (Laughter, and cries of "that's so.")

The substitute was then adopted.

The reports of the majority and minority of the Committee on the Rights of Married Women were called up for passage.

Delegate Brookings said the reports were both improper, inasmuch as they were wholly legislative. He moved to indefinitely postpone them. Delegate Gamble, of Yankton, supported the motion. The whole subject, he thought, should be left to the Legislature.

The motion to indefinitely postpone prevailed, and the convention then adjourned until 10 o'clock the following day.

### TENTH DAY

Rev. F. P. Livingston of the Reformed Church, Sioux Falls, opened the convention with prayer.

The resolution changing the hours of daily meeting to 9 o'clock A. M., and 2 and 7:30 P. M., was adopted.

A number of prohibition petitions were presented, asking that the question be submitted to the people at the same time the constitution was voted upon. Referred.

Delegate G. C. Moody, of Lawrence, presented a report from the Committee on Judiciary, which enlisted the closest attention and the subjects it considered of the first importance in a republican government. The report contained the usual provision controlling courts.

Terms of judges of the Supreme Court were fixed as follows:

Five years for those elected at first election in the state, and at all subsequent elections, four years. The judicial districts were thus defined: First—All that portion of the state west of the Missouri River. Second—That portion lying east of the Missouri River and west of the Dakota River. Third—All that portion of the state east of the Dakota River.

The judicial circuits were arranged as follows:

First Circuit—Union, Clay, Lincoln, Turner, Hanson, Lake, Minnehaha, McCook, Miner.

Second—Yankton, Bonhomme, Charles Mix, Douglas, Hutchinson, Davison, Aurora, Brule, Buffalo and Jerauld.

Third—Brookings, Moody, Kingsbury, Clark, Hamlin, Deuel, Grant, Codington, Day, Roberts, the Walpeton and Sisseton reservations, and all that strip of territory now included between the north line of the County of Day and the 46th parallel.

Fourth—Beadle, Hand, Hyde, Hughes, Spink, Brown, Sully, Sanborn, Potter, Edmunds, Faulk, Walworth, Campbell, McPherson, and including all that portion of the state lying north of those counties and south of the 40th parallel of north latitude, and including all such portion of such state lying between those counties and not forming a part of either.

Fifth—All that portion of the state lying west of the Missouri River; provided, that all parts of the state not included in the foregoing boundary and description of circuits, shall be attached to and form a part of the Second Circuit.

The report further provided that there shall be elected in each organized county a county judge, to be judge of the County Court, his term to be two years, unless otherwise provided by law. The compensation of the judge to be fixed by law. County Courts to be courts of record that shall have jurisdiction in all matters of probate. No one shall be eligible to the office of county judge unless learned in law, and at least twenty five years of age, and having the qualifications of an elector, and no county judge can at the same time act as an attorney at law.



The establishing of police courts and police justices, and the time of holding all courts, and the other details, are left for the Legislature to fix.

On motion of Delegate Grigsby, of Minnehaha, the reading of all reports at the time they were presented to the convention for reference to the printing committee was dispensed with.

A Committee on Enrollment composed of George H. Hand, A. B. Melville and C. W. McDonald was appointed by the president.

The report of the Committee on Impeachment was called up by Mr. Sterling, of Spink. The report was not dissimilar from that found commonly in state constitutions. The report was adopted and referred to the Committee on Phraseology.

Delegate Baum, of Aurora, called upon the report of the Committee on State, County and Municipal Indebtedness. Delegate Gamble moved to strike out the words, "except in case of public calamity," in connection with the section forbidding the state to make donations in favor of any individual, association or corporation.

Delegate Pettigrew explained that the committee intended the clause to cover such calamities as had occurred in the states by storms, etc., and thought the Legislature could be trusted in such matters.

Delegate Rudolph, of Lincoln, said he had suggested the clause to the committee and that the history of many states showed that there are times when the Legislature should be allowed to aid sufferers in calamities.

Mr. Gamble's motion prevailed and the words were stricken out.

Delegate C. J. B. Harris, of Yankton, offered an addition to section 3, prohibiting city, town, county, or other subdivisions of the state, assuming the liabilities of any individual, association or corporation. The amendment provided that the assumption of such indebtedness may be made by a vote of a majority of the electors of the municipality affected.

Delegate Moody thought that would open the doors to all sorts of robbery of the people. That the people generally were constantly being attracted by some ignus fatuus that never realized.

Mr. Harris explained that the vote must be a two-thirds vote, and the debt to be incurred could not be over five per centum of the taxable property.

Delegate Pettigrew opposed the amendment.

Delegate Brookings thought it better to go half way. That the mean ground between antagonists was always better than the extremes. He thought it mere moonshine the idea that Dakota had been kept from statehood because of county indebtedness, and that a municipality should be allowed to vote money for its own benefit if it so desired.

Delegate C. L. Wood, of Pennington, favored the amendment. He favored independent liberty to municipalities in the matter of indebtedness, and said it was an indication that the American people were suspected of bribery and bribe taking to deprive them of their liberty to control their own debts and funds. He thought it better, however, to strike out the section altogether.

Delegate Jones, of Hutchinson, said the committee had fully considered the matter in dispute and had reported a good section.

Delegate Melville, of Beadle.

I do not think my people would support the section without the amendment. I am not in favor of too much liberty, but I favor striking the whole section from the report. The people of Beadle County want the right of voting aid to any institution they desire to help.

Delegate Grigsby, of Minnehaha.

We are apt to run against opposition in the territory and in Congress both, if we do not adopt the amendment. So Sioux Falls has now an opportunity to help a railroad company to run a line in here and break up the monopoly of the lines that we already have. We must not have our hands tied in matters of this kind. We must have liberty to act. Strike out the whole section and leave it wholly to the people. They will take care of it.

Delegate H. A. Day, of Edmunds.

The people will not incur an undue burden, and require the value of their property with debts. I move to lay the amendment upon the table.

The amendment was tabled.

Wood, of Pennington, moved to strike out section 3.

In a strong argument at length, J. R. Gamble, of Yankton, supported the proposition to leave the matter of voting aid to corporations in the hands of the people.

Wood, of Pennington.

Unless the amendment, which has been defeated, is incorporated, the constitution will be defeated in my county.

Pettigrew.

Colorado has a provision very like the one reported by this committee.

Moody, of Lawrence.

The difficulty is with the points made by those who are against the section reported, that it is not the business of a town or county to engage in aiding corporations. It is the business of individuals. I wouldn't go to the people of this territory without the provision there is in the section as reported.

Pettigrew, of Minnehaha.

There is no law in this territory to allow people to vote aid to railroads, yet Dakota is built over and over with railroads. Had she had a provision allowing her to do so, she would have given 5 per cent for all the railroads she has got without cost. If Sioux Falls wants a railroad and the railroad is needed, it will come without voting a debt to bring it here. If we are allowed to vote aid no railroad will come without it. The committee in Congress refused to even consider the bills, or allow their reference to subcommittees, giving people of certain counties in Dakota the privilege this amendment proposes. We must protect the people against debt.

The discussion here took great latitude and many of the delegates took part. The majority of the expression was finally in favor of the report of the committee. There was a great deal of opposition to aiding in the construction of railroads by counties and towns voting aid.

Delegate Brookings, of Minnehaha, localized upon the issue. He cited the desire of the people of Minnehaha County to vote aid to the construction of a railroad, but they could not do so because there is no law authorizing it. He thought Dakota would be stunted if she could not vote aid to railroads.

The motion to strike out section 3 was lost.

The clause, "or engage in any work of internal improvement," was stricken out.

Delegate Grigsby thought the section should be left out entirely as should all radical issues, like woman suffrage, prohibition, etc., that no one would vote against the constitution because something is left out, but they will if something objectionable is inserted.

Delegate Hand, of Yankton, asked that the section be recommitted to the committee for amendment.

Delegate Pettigrew.

It is useless to recommit, as the committee will report it back just as it is. As the section now is, this county will give it a majority of 1,000.

Delegate Day, of Edmunds.

If we incorporate this amendment desired by some, we shall be kept out of Congress. There is no reason in recommitting this section, and it should be adopted at once, and as reported.

## Delegate Caulfield, of Lawrence.

It has been said that if a clause of the kind section 3 in the report provides is adopted, that it will be an impediment when offered to Congress. Instead of being an impediment it will be a recommendation. The constitution of Colorado was not presented to Congress. I am in favor, however, of the section as reported. It is well for towns and cities to guard well against indebtedness. A railroad that will not come to you without aid is not worth having. They will always want aid if you give them aid at first.

Delegate Alonzo Converse, of Sanborn, moved to recommit the section with instructions to revise, and in support of the motion consumed his limit of time. He counseled careful consideration and warned the convention against hasty action.

The motion was not voted upon, the previous question being called which cut off amendments. A parliamentary deadlock on the ruling of the president ensued, the president ruling that the motion to recommit was not an amendment, and hence was cut out by the calling for the previous question. An appeal was taken, but the president was sustained in his ruling, and the section as reported was adopted.

After the noon recess, consideration of the report of the Committee on County and Town Indebtedness was resumed, taking up the fourth section. The report was adopted and referred to the Committee on Printing.

Delegate Campbell, of Yankton, submitted a report from the Committee on Schedule. It was quite lengthy and was referred to the Committee on Printing without reading. The committee reported back the woman suffrage question without recommendation. The committee took occasion to say, however, that it was inadvisable to present other issues with the constitution, believing that the struggle for self-government should not be hampered with other matters than those properly involved.

Delegate H. M. Williamson, of Moody County, submitted a minority report from the Committee on Schedule, embodying a general protest against the majority report.

The committees on banking and currency, and on revenue and finance, made reports, which went at once to the printing committee.

Delegate B. F. Campbell, of Minnehaha, as chairman of the Committee on Ways and Means, asked for instructions on the work of the committee. There were no suggestions offered.

Delegate Brookings moved that the Committee on Finance assess the counties interested for the expenses of the convention, and held the delegates present responsible for the payment of the assessment, to be in proportion to the representation.

Delegate McDonald, chairman of the committee, asked that each delegate present pay \$2 for the printing.

Delegate Moody suggested that the money be raised to pay the expenses of the convention, by a subscription paper.

Delegate Mellette, of Codington, seconded the suggestion of Delegate Moody and Delegate Campbell, of Yankton, thought that each delegate should be asked to pay \$2 each for printing.

Delegate Jones, of Hutchinson, asked what the amount was that was needed.

Delegate Warner, of Lawrence, answered that all expenses were estimated at \$500—\$200.00 for printing and \$250.00 for stenographers, the balance for incidentals.

The administrative committee made a report.

On motion of Delegate Mellette the report of the Committee on Declaration of Rights was taken up for adoption.

Delegate Campbell, of Yankton, offered an amendment, giving the people the right to abolish their form of government in such manner as they may think proper.

Delegate Robert Dollard and Delegate Melville both opposed the amendment as being impolitic and unwise, the latter saying he proposed going into statehood in good faith, and if we got into it he never wanted to get out of it. He thought there should be no doubt about the object desired, and if it was to be inserted, the word "secede" is better than "abolish," as it is more clear.

Mr. Campbell said that it was not intended to "secede," nor was it intended to ever go back to territorial government.

"Then what is the necessity of the insertion of the word 'abolish,'" required Jones of Hutchinson.

Mr. Campbell answered that it was used by other states.

Delegate Melville, chairman of the committee reporting the section, thought the word unnecessary.

Delegate Caulfield, of Lawrence, said that a state's right democrat though he was, he did not like the word "abolish," that it was liable to misconstruction and should not be inserted. He thought there was no necessity in contemplating the use of the word "abolish" in connection with the constitution. His remarks were listened to with rapt attention.

Mr. Campbell withdrew his amendment.

The consideration of the report was resumed.

It was moved to recommit sections 6 and 7, that the questions arising as to trial by jury in all cases be settled.

Delegate Moody, of Lawrence.

It is a relic of barbarism, trial by juries, and it is a source of great injustice and corruption. I would like to abolish the whole system of grand and petit juries. It is the shield behind which rascals hide. A man who honestly believes he has a good and honest case, is always ready to waive the jury. It is a farce, the expense of maintaining grand juries. If we were now making a constitution for a state already in existence, I should favor its total abolition, but we must defer somewhat to the popular prejudice in this matter now. But let us at all events at least limit the application of the system in every way practicable.

Delegate Gamble, of Yankton.

I fully endorse the gentleman's remarks. There are many minor cases that should not have recourse to trial by jury. In a case of murder it is right to have a jury.

Delegate George H. Hand, of Yankton.

Nothing should be stricken from this that would thereby prevent a man from having a trial by jury. Both of the gentlemen who have just spoken have practiced before a court whereby, had they themselves been on trial before the judge they would have been sent to the penitentiary. (Laughter.) It is something that belongs to the humblest citizen. It may be a shield for rascals, but it is a shield also for honest men.

Delegate A. B. Melville, of Beadle.

It may be well to recommit the sections, because they are of great importance, and it may be well to amend so that the jury may be waived, but trial by jury should be kept inviolate.

Delegate Moody.

I do not want to be understood as advocating the abolition of the entire jury system at this time, but the grand jury system should be abolished now.

Delegate Brookings, of Minnehaha, assailed those who had spoken against the grand jury system. He would go so far as to abolish the entire jury system. The jury was first intended to stand between the people and the justice appointed by the crown, but we select our own judges. The jury system is now a relic of barbarism.

Sections 6, 7, 8, 9 and 10, relating to the jury system, were recommitted.



A discussion arose over the 14th section, which provides that private property shall not be taken for public use without just compensation therefor. The debate grew out of an amendment by J. W. Taylor, of Lincoln, adding the words, "first paid or secured," after the word "therefor." The debate was directed especially to the power of railroad companies to take property without first securing payment for it. The amendment was defeated.

Delegate Mellette, of Codington, moved that the committee to whom sections 6 and 7 had been committed be instructed to report a section allowing parties the privilege of waiving trial by jury in all criminal cases, by consent of both parties. The motion prevailed.

Delegate Moody moved to instruct the committee to report a section that the jury system be secured to all and kept inviolate, but that the Legislature may pass a law that three-fourths of a jury may return a final verdict. The motion was lost.

Delegate S. H. Elrod, of Clark, called up for adoption the report of the Committee on Exemptions, real and personal, and it was adopted with a slight amendment.

The convention then adjourned until 8 o'clock, A. M., the following day.

#### ELEVENTH DAY

The convention was opened with prayer by Rev. G. S. Clevenger, delegate from Brookings County, at 8 o'clock, A. M.

Delegate Hand, of Yankton, called up for adoption, the report of the Committee on Coat of Arms, State Seal and Motto.

Delegate Joseph Ward, of Yankton, a member of the committee, exhibited an oil painting of the design described in the report, and it passed through the convention and was exhibited to the delegates.

Delegate Eli Johnson, of Hyde.

I would like to have this changed so that the Indian, instead of looking at the rift in the clouds, is looking at the steamboat coming up the river with rations. (Laughter.)

Delegate Brookings suggested that the term "Trust God," better than "Fear God."

Mr. Ward said the phrase was not a theological expression, especially. That the word "fear," as used did not mean fear in the common definition of the word.

The report was adopted as it came to the convention.

The report of the Committee on Schedule was called up by H. J. Campbell, of Yankton, and placed upon its adoption.

The first four sections were adopted without question, but discussion arose over section 5, which held in statu quo, all offices of the territory until superseded under the constitution. This language was held to be ambiguous by some delegates, yet it was adopted as reported.

Section 6, relating to the time of meeting of the Legislature, was passed over for future consideration.

Delegate H. W. Williamson, of Moody County, took serious objection to the second paragraph of section 8, providing for the election of state officers on the Tuesday next after the first Monday in November, 1883. He said his county was opposed to it, and he thought the election of state officers now would make a clash between the officers elected and those of the territorial organization.

Delegate John M. Pease, of Davison, endorsed Mr. Williamson, and in behalf of the people of Davison County said the officers for the state should not be elected until Congress had ratified the constitution.

Delegate Joseph Ward, of Yankton.

No one wishes to even cast a shadow on state government until we are admitted, but it will make a good feeling and bring out a full sentiment, if we elect state officers now.

Delegate Converse, of Sanborn.

I came here full of faith in the state constitution at the time the constitution was put upon, but I now think it disastrous, and am firmly against it.

Delegate Brookings, of Minnehaha.

It is useless to ask Congress to admit us without officers to take charge of the state when we are admitted. If we come here with patriotism, there is no danger of trouble over the election of state officers. The officers are to be elected only for one year, and there will be no quarrel over the offices. We should have biennial elections for all state officers, and biennial sessions of the Legislature. City and town elections should be held at the same time state elections are held.

H. J. Campbell, of Yankton, replied that unless the officers could be elected by a hearty majority, he did not want an election. He then read an editorial article from the Pioneer Press, St. Paul, which commented upon the proceedings of the convention, complimented the convention upon the sense of the proposition to elect state officers, and pronounced it a business way of proceeding. He thought the people of South Dakota should not fear to assert their manhood, rights and wishes, even to the election of state officers at this time. He would oppose the proposition, however, if he believed the officers would not be elected by a good majority and perfect harmony would be maintained. If there was nothing more in this constitution than a mere petition to Congress, the Huron convention might as well have adopted the constitution, and this convention should not have been.

Delegate C. L. Wood, of Pennington.

If we were coming into statehood by an enabling act it would not be required that we elect state officers, but we are not proceeding that way, and the wise course is to elect our state officers. It is necessary that we have a state organization, and the constitution should go to Congress by the very state officers elected. There is no danger of soreheads because some one is not nominated.

Eli Johnson, of Hyde.

It is merely a question of whether or not we are here on dress parade or here under the Constitution of the United States at work.

Delegate Pettigrew.

The majority rules, and it is a question of expediency—of success. I hope that the convention will not act upon this question now. I move that the question be made the special order for 7:30 o'clock this evening.

Delegate Mellette, of Codington.

This is a matter of great importance and should be postponed. It is our implied wish to be admitted to statehood, yet we cannot be without the consent of Congress, and this question will have much to do with our success in Congress.

Delegate Moody moved an amendment that the officers be elected on the first Tuesday after the first Monday after Congress admits Dakota into the Union. The amendment was ruled out of order. (Possibly an error in reporting the motion, as no month or year is stated.)

Delegate F. M. Ziebach, of Bon Homme.

Nothing succeeds like success, and we cannot succeed unless we present all the provisions of the convention which authorized this assembly. This must be nonpartisan. I favor the election of state officers, two members of Congress, the Legislature, two United States Senators, and all other officers, and present them to Congress with the constitution.

Delegate Taylor, of Lincoln.

Let us dispose of this without fear. We should elect officers.

Delegate Jones, of Hutchinson.

I came here under the belief that we would have no conflict, and if we had a conflict to oppose it. I cannot see that the officers elected will conflict with territorial officers, as has been suggested. Provisions are incorporated that will prevent conflict, and I am heartily in favor of electing officers, although I am not a candidate and do not propose to be.

Delegate John M. Pease, of Davison.

Compromises surround us on every side. It is only a matter of politics, of expediency. We have the right but dare not assert it.

Delegate Brookings.

If it is a matter of expediency, it is expedient that we elect the officers, and elect them now.

Delegate Alonzo Converse, of Sanborn.

There has been a great deal said about what Congress will do about admitting us. For my part I came here to adopt a constitution for the ratification of the people of Dakota. We should frame a document for Dakota, not for Congress.

Delegate J. R. Gamble, of Yankton.

All this can be summed down to this question,—“Can we be admitted better without state officers?” It is a matter of expediency only.

It was said by a delegate that many of the delegates wanted to leave the city Saturday evening for their homes, not to return, upon which announcement Mr. Moody said that the delegates were in duty bound to remain until the work was completed, as they were to come here in the first place, and not a man who could possibly remain would leave who came actuated by patriotism.

“Did we come here to have a good time, to attend the circus, or did we come here to perform a high duty?” pleadingly inquired B. G. Caulfield, of Lawrence. “I hope,” he continued, “that no one will run away until we are done with the work before us.” He said “he doubted the propriety of the election of state officers now, and hoped the delegates would remain until that and all other questions were fully settled.”

The motion of Mr. Pettigrew to postpone the consideration of section 8 to 7.30 this evening, prevailed, and the convention agreed to take up the special order of the hour, prohibition. The gallery of the hall was filled with ladies and gentlemen, citizens of Sioux Falls and other points.

The special order was waived for the reception of the report of the Committee on Judiciary and Preamble, which was presented by G. C. Moody. The committee also presented some remarks with the preamble, containing the arguments that will be laid before Congress. The report is as follows:

It is clear that the United States Government in the treaty of cession by France of the Province of Louisiana of which this territory then formed a part, agreed as a consideration of such cession that it would admit and incorporate into the Union of the United States, according to the principles of the Constitution, the inhabitants of the territory and permit them to enjoy all the rights, advantages and immunities of the citizens of the United States. Under the conditions of this cession, and in accordance with the views of some of the ablest public men of this country, several states have already been admitted to the Union after sharp discussion of the effect of the treaty.

By the compact contained in the Ordinance of Congress of July 13, 1787, and the act and deed of cession of Virginia, it was expressly agreed as among the rights and privileges thereby secured to the inhabitants of the territory northwest of the River Ohio, that said territory should be divided into states of reasonable areas, and that whenever any of said states should have 60,000 free inhabitants therein, such state should be admitted by its delegate into the Congress of the United States on an equal footing with the original states in all

respects whatsoever, and that the people of the territory shall be entitled to self-government, upon condition that such constitution and government be republican, and conform to the principles of the Federal Constitution.

By the same act, the rights, privileges, and immunities secured to the people of the Territory of Dakota, by the Ordinance of July 13, 1787, and March 3, 1849—all and singular, the rights, privileges and advantages granted and secured to the people of the territory northwest of the River Ohio, by the articles of the compact contained in the Ordinance of July 13, 1787, were extended and secured to the inhabitants of Dakota in the territory east of the Missouri and west of the White Elk River, and neither of said acts has ever been repealed either in express terms or by implication.

These guaranties have been carried into partial effect by the admission of five states east of the Missouri River, and two states west of that river, with areas reasonable in extent. The Territory of Dakota south of the 46th parallel of north latitude, with an area of eighty thousand square miles and larger in extent than either of these states, save one, now has a population of at least three hundred thousand inhabitants according to the information of the best informed among them, and beyond all doubt has in numbers an excess of the requirement for two members of Congress under the present ratio, as they were apportioned by the last Congress.

The Constitution of the United States cannot and does not contemplate that the inhabitants of the territory shall be kept out of the Union and in a state of dependency and vassalage for an indefinite time. On the contrary, it is conceded by all thoughtful men that under it, without further guaranty, whenever the inhabitants of a territory, having a sufficient number of inhabitants to insure a stable government, and have clothed themselves with the paraphernalia of independent power, with a constitution republican in form, they are of right entitled to admission into the union of states, and such right can be denied only upon the ground that no power exists to enforce it.

Your committee cannot but hope to outline the impregnable arguments upon which the people can place their right to recognition. They have prepared and herewith submit a preamble truly setting forth the claim of this people to enjoy the blessings of self-government, and we recommend it to be substituted for the preamble reported by the committee on preamble to the constitution,—

We, the people of Dakota, through our representatives in convention assembled, invoking the guaranties of the Federal Constitution and relying upon the pledged faith of Congress in extending to the inhabitants of this portion of the territory of the United States, the rights, privileges, and immunities secured to the people of the territory northwest of the River Ohio by the Ordinance of 1787, including the right to form for ourselves a state constitution and government and be admitted into the Union on an equal footing with the original states, such right being for them secured by the condition of the cession from France of the Province of Louisiana,—having complied with all the conditions necessary to admission; manifesting profound reverence for the Supreme Ruler of the Universe; in order to form a more perfect and independent government, establish justice, insure tranquility, provide for the common defense, promote the general welfare, and preserve to ourselves and to our posterity, the blessings of liberty, do ordain and establish this constitution for the State of Dakota.

When the report of the committee having in charge the question of prohibition was read (it made no recommendation), Delegate I. M. Pease, of Davison, moved a substitute, offering a plan of submitting separately the question of prohibition, at the same time the constitution is submitted for ratification, by means of a separate ballot and ballot-box.

It was moved the substitute be laid upon the table, upon which motion the ayes and noes were demanded. The motion to table was lost.

Delegate Alonzo Converse, of Sanborn.

It will aid the vote on the constitution, and it is right that we let the people vote upon the matter.

Delegate George H. Hand, of Yankton.

I shall vote against this question, because it will never become a part of the constitution if it carries.

John Hayes, delegate from Hamlin.

I am in favor of prohibition just so far as the report of the committee has reported, and no farther.

The substitute was defeated, and the report of the committee was taken up and considered by sections.



Delegate W. A. Lichtenwallner, of Hughes, opposed the proposition to submit prohibition to a vote, because, first, he opposed prohibition and secondly, because it had no place in the constitution, but belonged to the statutes of the state.

"Prohibition does not prohibit," said he. "Why," he continued, "I've never had any trouble getting liquor in a prohibition state when I wanted it." (Laughter.)

Delegate G. S. Clevenger, of Brookings.

There is a great indifference in some localities in regard to the constitution, and I think it will help the main issue before us if we submit the proposition to a vote with the constitution. It will bring out a large vote, and it is not only a wise thing to do but the right thing to do. There is no one here wise enough to forecast the result if the question is submitted to a vote. The people of Dakota are largely awakened on the subject.

Delegate Joseph Ward, of Yankton.

I do not think this is the time to submit this to the people with or apart from the constitution. As much as I am in favor of prohibition, I must say I think it will endanger our chances of statehood. For the sake of temperance and statehood prohibition itself, I think this is not the time to bring up the issue. To press it now is to take away our hopes of success and weaken the cause of temperance. I think a large proportion of the votes will go against the constitution and the issue of temperance. When we battle for temperance we must stand on even ground. It is only a matter of good, hard sense.

Delegate H. J. Campbell, of Yankton.

I desire to meet the issue fairly. As I understand it, if we adopt the report and it carries at the polls, it becomes a part of the constitution and I oppose it. The caption "to be separately submitted," amounts to nothing. I am opposed to either submitting the issue to a vote or incorporating prohibition in the constitution. It was decided by a body of representative prohibitionists at Yankton, before the Huron convention was held, in consultation with eminent advocates of statehood, that it was inadvisable to confuse the temperance issue and statehood; that these prohibition representatives would support the constitution without the prohibition issue being submitted.

Mr. Campbell offered an amendment to be incorporated into the constitution giving a majority of the people power to petition the Legislature for, and making it incumbent upon the Legislature to pass prohibition or other laws, upon the request of such majority.

Delegate Eli Johnson, of Hyde, opposed placing prohibition before the people now, in humorous language and expression, warning the advocates of the issue against inviting the defeat of the constitution by the money of the brewers.

Delegate John M. Pease, of Davison, urged the sense of the proposition to vote upon prohibition as a matter of right and politics. The ladies in the gallery gave him a round of applause when he said the temperance people of the territory must be in the ascendancy if one judged from the way the opponents were fighting shy of the issue, and a bouquet was sent down to him.

Delegate John Knox, of Faulk, warned the temperance people against dallying and urged the submission of the issue. He hoped the desire of those who had petitioned the convention would be heeded.

A. S. Jones, of Hutchinson.

Gentlemen have said they could see no reason why the question should not be submitted with the constitution. They lose sight of honor. We are in honor bound not to have anything to do with any other issue than those belonging to a complete constitution. The people of Hutchinson County would defeat both the constitution and prohibition if they were submitted together. It has been repeated that the people desire prohibition submitted. I deny it, for they all understand; in the call for the convention it was understood that the issue of temperance would not be raised. It has been raised by those who want to defeat the constitution. I desire that this movement for statehood should be successful, but if we submit it this issue it will not be successful.

Delegate Brooks, of Yankton.

Since it has been understood that the work of this convention be nonpartisan, and that prohibition is partisan, would it not absolve the compacts which bring this convention together, to take up the issue.

Mr. Knox, of Faulk.

The gentlemen from Faulkner came here just as usual, and have their constituents' views of no more weight than those of themselves. I do not propose to have any artificial sentimental sentiment.

Mr. Knox received a bouquet from the gallery.

Monzo Converse, of Sully, said he did not come with intentions one way or the other, but he thought the people of his county sufficiently intelligent to vote for or against prohibition. He would leave the issue with them, and favored submission. (There was vigorous applause from the gallery as he proceeded), saying he did not recognize the power of the brewers, but thought we should go right ahead in the discharge of duty in the light of right. He could not see anything in the preliminary work or any convention, of which the present was an outgrowth, precluding the submission of the subject with the constitution. It would not be a partisan issue, since the prohibition party was made up of both political parties. He compared the issue to a cyclone, and thought the only way to get past it was by meeting it at the polls.

After the noon recess the discussion of prohibition was resumed.

Delegate Brookings, of Minnehaha, said he favored temperance, but he did not favor prohibition. The business men were largely against prohibition, and would defeat the constitution, he thought, if the proposition was made a part of it in any way. The temperance people who have been so energetic of late on prohibition, never took the trouble to close saloons on holidays. His native state, Maine, had prohibition, yet the liquor traffic was running wild. A good regulating liquor law was better than prohibition. While he thought it would be voted down two to one, he favored submitting it to the people to get out a full vote. He thought the ladies should keep their bouquets to decorate the grave of their cause after the election in November.

Delegate F. B. Foster, of Hanson.

I am a prohibitionist from the ground up, but I am against submitting the matter to the people now. I move to strike out the word "sacramental," in connection with the manufacture.

Delegate C. L. Wood, of Pennington, said he came to the convention with the understanding that nothing would be done except to adopt a constitution upon which to be admitted to statehood, and to keep out everything that would divide the parties or the people. The call for the convention was devoid of anything that would lead to anything of the kind that had arisen. The question will break the compact of the convention, and has no place in the constitution. As a democrat, representing a republican constituency, he would not have come here had he supposed prohibition or any outside measure would have been brought up in this manner. He warned the convention against being carried off its feet. "I am neither a drunkard, nor a rum seller," he said.

"But you're a democrat," remarked a delegate.

"You're right, and I always expect to be," retorted Mr. Wood.

Delegate A. B. Melville, of Beadle.

I would rather do the right amid the frowns of the world, than do the wrong and receive all your bouquets and smiles. When I came here I thought I might vote for submitting the issue, but since I see it will split us, and that it will be breaking faith with the democrats to do so, I would not submit it. We are here to adopt a state constitution without any new issues or doctrines, and when that is accomplished to present it to the people. I am sorry that the temperance people should force this issue now. They say it is fair. It is not. We were not sent here to consider the temperance question, and it is not fair to break faith with our constituency, and do so. I hope no one, for the mere sake of pandering to public clamor to present the issue, will support this measure. We should avoid every issue upon which we are liable to split.

Delegate Alonzo Converse, of Sanborn.

I defy anyone to say I have sprung party politics, or to say whether I am a democrat or republican. I have not implied, as I have been charged with, that the republican was a party of prohibition. There can be no line drawn between political parties on the prohibition question. I favor the submission of the question because it will bring out a full vote.

Delegate A. S. Jones, of Hutchinson, said he had been accused of misrepresenting his constituency, as being ignorant. He represented an intelligent community, but they did not want to vote upon prohibition with the constitution. It was an entirely separate measure, and he was against any measure that made the constitution secondary. When the proper time comes he would favor submitting the issue, but it was not now.

Delegate R. F. Pettigrew, of Minnehaha.

I have heard a great deal said about a compact. I know of no compact, and went into this convention free to act, and if there is a compact I repudiate it. I don't care what has been bargained away at Huron, Yankton, or elsewhere, we are free to act here. The prohibitionists here ask as little as they could ask, and I favor submitting the issue, although I oppose it, because it means free whisky. Let the people have a voice, however, to express their opinion. It is not a question of whether or not this constitution will be ratified. It can be submitted entirely separate and alone. We dare not deny the people a right to speak upon this subject and express themselves fully.

Delegate Grigsby, of Minnehaha.

This is not a question of the merits of prohibition. It is a question of policy of submitting the issue as collateral to the constitution. If I was a liquor man I would organize a fight against the issue that would not stop at the polls, but would go to Congress. The anti-prohibitionists are united, and they will fight it in Congress, and how could we meet such a fight? How would a republican people with prohibition, fare with a democratic Congress? We would be defeated. Money and whisky are both used freely in Congress. We want a constitution that will not only be ratified by the people of Dakota, but recognized by Congress also, and if I was a prohibitionist I would not favor submitting the issue with the constitution. The prohibition issue is a fight between the liquor men and the temperance people, and has no place in the issue for statehood. It is a scheme to defeat admission to statehood. (Bouquets.)

Delegate Ely Johnson, of Hyde.

If there was a compact that conflicts with submitting this question, it was wrong, and it is right to break a wrong compact.

Delegate Robert Dollard, of Bon Homme.

I am in favor of giving the people a constitutional clause on prohibition, and am willing to let them vote upon the question of prohibition, but not with the constitution as it is now. There was a solemn compact entered into by the Huron convention against having to do with temperance now. Why didn't these people raise the issue before this time? It looks to me as though we had been holding out false lights to attract the people, if we act on this matter now. The prohibitory people have nothing to lose. Those wanting statehood have everything at stake.

Delegate G. C. Moody, of Lawrence.

I have kept silence for the purpose of being instructed. I usually come to a conclusion without difficulty, but this is the most difficult question I've had to deal with so far, in the convention. The people are expected to have opinions and to act upon them, but this is a new question. The liquor traffic is a peculiar one, and it is held by many that it is proper to absolutely prohibit it. I have thought the question should go before the people before being dealt with in organic law. If I was here preparing a constitution for a state already admitted to the Union, I would not hesitate to cast my vote to submit prohibition to the people. But we are acting outside of law. No act of law has authorized these proceedings, and we must so act that our work does not end as idle winds. I ask my temperance friends what there is to prevent ballot-box stuffing by the liquor element? Nothing. The question will be defeated, and your temperance cause will receive a blow you will not recover from for years. I care not for the liquor power. It is not my friend. But wait, I ask, until we are a state before



you push your issue. That is the only way by which you can raise any issue from this convention. It will be the nearest expression of opinion to having the question put before you now. Do not engender strife. To submit the question now is to invite defeat.

(Bonquets from the gallery, which Mr. Moody presented to Mr. Canfield, saying: "I got up to earn bonquets for my friend here, who is a better man." The ladies' man was applauded.)

Delegate J. R. Gamble, of Yankton.

The proposition that there is nothing to prevent the defeat of the question if presented now is unanswerable, for the reasons the gentleman (Mr. Moody) has given. We want the constitution pure and simple. We ought not to get a question over which there is a struggle into our constitution. If the question is to be submitted in any way we might as well incorporate it in our constitution first as last. These issues will be parallel. It will be a question of prohibition and anti-prohibition, and the struggle will enter into the election of all officers. Let us have a straight constitution. I expect the Jumbo sitting up in the north part of the territory today, is glad that we have up an issue that is liable to divide us.

Delegate A. C. Mellette, of Codington.

I have so far preferred to listen and not talk. I must say that the evil of intemperance is one of the greatest questions now before our law-making powers. I will not dodge the issue. I never dodge. I want to act as a straight man, and that I will do in the best of my judgment. I thought I was in favor of submitting the question upon a separate ballot, believing I could so express myself upon self-government, and also upon the liquor traffic at the same poll. The matter has, however, come down to incorporating it in the constitution. It comes up as a codicil which is about the same thing as placing it in the constitution, except that it will be in an abstract form and in the nature of another constitution or a supplement to the original. It is an issue that resolves into this question, Which is the paramount issue, prohibition or statehood? What is to be gained if you put it in the constitution? The very first Legislature can practically annul it. It, after all, goes back to the Legislature, and it may as well go there at first. If we are to meet the issue here, let us put it right into the constitution and meet it fairly. Unless we can agree now, we had as well adjourn at this very moment. I cannot agree to override these democrats who object to this mode of proceeding. They command and deserve our respect.

Delegate Hand, of Yankton.

The paramount issue before these people is self-government. All else sinks into utter insignificance. This territory is in the hands of as an unscrupulous a set of scoundrels as ever disgraced a people, and I came here to help rid you of the incubus. If you had seen what I saw at Yankton last winter, you would be willing to throw all else behind you for self-government. Prohibition, female suffrage, and other issues should be laid aside for statehood. I cannot consent to travel with any such issue as this. If it would save a human life or even dry a tear it would do to incorporate prohibition in our constitution, but if you vote upon it as suggested, it is but a straw. We should not jeopardize our constitution by incorporating this matter into it.

Delegate J. E. Whiting, of Sanborn, said he wanted to put himself on record as being willing to put before the people anything the people demand. He favored submission, and thought no good argument had been urged against it. He said we denounced Congress because we were refused statehood on the ground of expediency, and yet the convention proposed to refuse prohibitionists their rights upon the ground of expediency. (A shower of bonquets rained down from the gallery.)

Delegate J. W. Taylor, of Lincoln.

The people of the country have the bonnet to count up with or with the constitution until we have a state.

Delegate Brookings said that it was not fairly in the interest of temperance to submit the question now. That it would be defeated, although he would vote for submitting.

Delegate James A. Ward, of Hughes, said he was opposed to submitting the question to a vote under the constitution, as he was sent here to frame a constitution.



tution that would be ratified, and that would secure statehood, and not one that would be defeated. He thought it highly improper to have anything to do with the issue in connection with the constitution.

Delegate Mellette said he had no doubt the convention would like to hear from the president on the subject at issue.

There were cries for Mr. Tripp, who finally called Mr. Mellette to the chair, and addressed the convention with a very strong argument against submitting the question with the constitution. He remarked among several expressions:

I regret that this question has come before the convention—regret it because the first harsh word yet spoken was uttered here today in this discussion. I regret it sincerely and deeply. This is but the excitement of the moment, however, and I believe that the same candor which has characterized this convention will prevail hereafter. I am a temperance man, and never drank a drop of liquor in my life. You cannot dodge this issue. I am glad that I have an opportunity of showing that I will not dodge it. I deprecate the wrongs of the liquor traffic, but I am not in favor of incorporating prohibition in the constitution. You all came here to adopt a constitution, one that would please your constituency, and one that would not be relegated by the people. There is no expediency or policy in this matter. You are for or against prohibition. I am opposed to this proposition going into the constitution. Throw away the cowardly word "expediency," and assert your manhood. Vote for or against prohibition. But keep the issue out of the constitution. Let the question go to the Legislature for legislation. I would rather be right, as has been said, than president of the United States. (Prolonged applause.)

The previous question was called at 4.40 P. M., and the ayes and noes were demanded upon the vote. The vote resulted, ayes 37, noes 62, as follows:

Ayes—Allen of Moody County, Akin, Baum, Bronson, Brookings, Clevenger, Callahan, Cort, Converse, Cheever, Elred, Eakin, Foster of Spink, Gunderson, Hayes, Knox, Lane, Lucas, Lothian, Lawrence, Lewis, Mitchell, McDonald of Jerauld, Macdonald of Kingsbury, Mallahan, Pease, Peck, Qualey, Scheffler, Sherwood, Smith, Sherman, Sterling, Williamson, Wellman, Whalen, Whiting—37.

Noes—Allen of Turner, Baker, Brayton, Boynton, Bippus, Brooks of McCook, Brooks of Yankton, Bertelson, Chapman, Caulfield, Conklin, Campbell of Minnehaha, Campbell of Yankton, Dollard, Duncan, Dawson, Day, Daboll, Edwards, Foster of Hanson, Gatchell, Gifford, Gamble, Howell, Herman, Hunt, Hand, Harris, Johnson of Hyde, Jones, Kellam, Knight, Keith, Lichtenwallner, Lovering, Lake, Melville, McCoy, Mellette, Moulton, Monaghan, Miller, Moody, Pierce, Rudolph, Rutan, Schwindt, Schlingen, Sill, Taylor, Thorne, Tripp, VanVelsor, Whitesides, Winter, Ward of Hughes, Ward of Yankton, Warner, Wheelock of Lincoln, Wood, Westover, Ziebach—62.

Delegates Grigsby and Pettigrew were paired.

On motion of Delegate Brookings, all further reports of the Committee on Prohibition were indefinitely postponed, and the convention adjourned to 7.30 P. M., but as the hall had been promised for social purposes, no evening session was held, and the president announced that the convention would meet at 8 o'clock the next morning.

#### TWELFTH DAY

The convention was called to order by the president and prayer was offered by Rev. Joseph Ward, of Yankton, following which the journal was read.

Delegate Campbell, of Yankton, called up for further consideration the report of the Committee on Schedule, beginning with section eight, and which went over as a special order from the previous day. Section eight involved the question of electing state and other officers, over which so much interest was evinced during the previous morning hour.

It resolved itself into the question whether Congress would look with greater favor upon the constitution if a full complement of state officers were presented with the constitution.

I have been greatly edified and much instructed by the gentleman's (Mr. Caulfield's) description of the demoralizing effect in electing members to Congress. I want to ask him if he has any doubt about our right to proceed by electing officers.

Mr. Campbell. "Then what window will our Congressional Committee peep through into Congress?"

Mr. Campbell. "Then, as the Scotch proverb puts it, 'Deliver us from our friends.' If we go to Congress fearing we have no rights, and go humbly and say, 'Please admit us for we believe we have a right to admission. That is, we think we have a right—we are not sure but we think so—and we would, that is we think so, like to be admitted.' We must demand it as a right we are positive of, and produce our proof."

I cannot see how we would be in any worse plight if we back up our constitution with state officers and congressmen and senators, than we would otherwise be, even if the representatives and senators are not admitted. Our constitution would go there more largely backed by the people if we elect officers. Then, if we present only the constitution at the polls, the vote will be weaker than if we elect officers.

My democratic friend from Lawrence County (Mr. Caulfield), reasons from false premises. He assumes that our congressional officers will go to Congress and demand their seats at once. He is mistaken. A section of the report provides that the officers shall act only after we have been admitted. A man who opposes a plan ought to suggest a better one. We don't propose to send a man down to Washington to demand a seat. We should not be afraid of being laughed at. We must elect these officers to complete the organization of a full state government.

## Delegate Pettigrew, of Minnehaha.

If we elect our state officers it seems to me we come in conflict with the territorial officers at once. It is suggested that we elect senators. Who will sign their certificates of election? The governor, of course, and then we come into conflict at once with the territorial officers. The great papers will not endorse us if we do this. They will say it is revolutionary, as they have already said, and our whole movement will be laughed to scorn. If we propose to elect our officers as has been suggested, we must abandon our claims of right. I had some experience as a member of the Congressional Committee on Territories on matters of this kind. Alaska presented a delegate elected in this unauthorized way and he was laughed at. I was the only member of the committee who supported his admission. I am in favor of inserting in this section, that this election shall occur in the first year after we have been admitted by Congress. A committee can assert our rights and not be impugned by the assertion that they have selfish interests. The officers elected could not. My friend from Lawrence, Mr. Caulfield, being an ex-member of Congress, would be admitted to the floor as a member of the committee to help through our effort to statehood. But if he went as an elected officer he would be excluded, as having a personal interest in the issue, the rules of the House excluding any ex-member who is working for an issue pending, in which he has an interest personally. Now, I think he should be sent there as one of the committee.

## Mr. Caulfield.

No, that is not the arrangement. You proposed that we both go as a committee, and go together. (There was a roar of laughter.)

Delegate Moody, of Lawrence, moved to amend the section, so that the officers shall be elected on the first Monday after the first Tuesday following admission into the Union. In presenting the amendment he ridiculed the idea of electing officers before Dakota is made a state. He recalled the rascality that has gone rampant over the territory, and deprecated the fact that the people of the territory were placed in the unfortunate situation they were in. He thought a body of men who had shown so much good sense as had been shown by the delegates assembled should not make the mistake of taking the step proposed.

On motion of H. A. Day, of Edmunds, Mr. C. H. Winsor, secretary of the convention, was called upon to express his views. Mr. Winsor said it would, in his opinion, be mere child's play to present the constitution to Congress without the full machinery of statehood being placed in motion. He favored the election of a full complement of officers. It would excite the ridicule of the press as well as Congress to go to Congress without state officers elected. Yet he did not fear ridicule as much as the evasion of right and duty. If the committee to Congress will not meet with ridicule, the officers to be elected and the members and legislators to Congress will escape ridicule as well. The charge of selfishness will come up as readily and strongly without as with officers. It will be a just criticism that will be passed upon a failure to elect officers. To fail to choose officers is to acknowledge weakness. If we have no right to elect officers, and it is not consistent and right, it is not right to meet here. (Applause.)

Ely Johnson, of Hyde, asked that the president be called upon to speak his views upon the subject. President Tripp was then called for, and, asking Mr. Johnson to occupy the chair, he addressed the convention, saying that he had no doubt that every delegate present desired to adopt the best methods. The only question he discussed was the propriety of electing officers. He would go on with the work whether officers were elected or not, but he feared no sneer at Washington if officers were elected and sent. There could be no charge made and sustained of a desire to secede because officers are elected before statehood is secured. The senators and representatives elected could knock at the door of Congress for admission with the committee sent there. He feared no criticism because the full machinery of statehood was placed in motion by the selecting of officers. He gave the lie to all these aspersions which had been cast by men outside the convention and by the press, upon the patriotism and good intentions of the gentleman from Yankton, Mr. Campbell, in advocating so zealously the election of officers.

The president was enthusiastically applauded.

### Delegate Mellette.

It has been said we have no law, but sitting here and proceeding as if we were under a law, we are in a position to proceed. I had to see any distinction under the law between the officers elected by the people and those elected by the assembly here in convention, and we have a legal right to elect officers as is proposed. Objection has been offered to sending officers to Congress until corned ones can be sent. What if we had no corn upon which to feed them? Why, we must send them fattened upon bran. It should be provided in the section that the officers cannot assume official power or have pay, until we are admitted into the union of states, and their election has been ratified. It is not proposed that this convention shall select officers. The convention is to place the selection of officers before the people, the source of all power. We should act under those rights that have been so eloquently stated by the committee reporting the preamble to our constitution, and which asserts that we have a right to form a constitution and adopt a form of state government. If we have the right to construct an engine and place the fuel in a box, have we not a right to construct the engineer and place him in charge of the engine, ready, when Congress shall have applied the torch, to start the machinery? If we hope to escape criticism we are moving on false premises. We have the right to do so, and we should assert it by electing officers, ready when we are given statehood, to take immediate charge of the state. There is no politics in the move. I would rather be represented by democrats throughout than not be represented at all.

### Delegate Robert Dollard, of Bon Homme.

It has been said by a delegates that if we elect officers the ballot box will be stuffed. Now, as a delegate who was elected at just such an election as will be held to select officers, he is stopped from such a charge. Oregon gave us a precedent for proceeding as it is proposed and electing state officers. If we have authority, the question is, shall we proceed? I came here with no pet views as to how we should come into the possession of a state government. I came determined to abide by the wisdom of the convention. The committee have reported in favor of state officers being elected now, and I am in favor of adopting the report of the committee. We are much in the position of the children of Israel who paused on the banks of the river in sight of the promised land. We have constructed the bridge; now shall we cross upon it?

### Delegate C. W. McDonald, of Jerauld.

It is useless to elect officers now. No taxes can be collected and no act performed by them, and the consequence will be we will have to have two elections.

### Delegate Thomas Sterling, of Spink.

There are two grounds we can stand upon—doubtful and safe. If we elect officers we stand upon doubtful ground. We cannot afford to adopt doubtful measures. There should be unanimity. We have considered what Congress would think of the election of officers, but we have not considered what the people of South Dakota would think of it. We should consider that. We have ignored prohibition petitions, and yet we propose to admit the election of officers when the prohibitionists are against it. I beg of the convention to think before incorporating a feature obnoxious to the masses.

At the afternoon session the discussion over the question of electing officers was resumed.

Delegate Gamble, of Yankton, said the issue was not a party issue, and in electing state officers there should be a division of the offices between the democrats and republicans, and announced that he would offer an amendment later to that effect. He moved to postpone the question until Monday morning.

Delegate Brookings said that since hearing of the reputation of one of the most corrupt memorials that ever existed, he could afford to remain out of statehood a year longer than he felt he could before, for he hoped it would be decided to elect officers, as it surely would do good, and could possibly do no harm.

Delegate Campbell of Yankton, cited a number of precedents that had preceded to statehood by first electing state officers, as proposed in the action under discussion, and moved to lay on the table the motion of Mr. Gamble to postpone.

The motion of Mr. Gamble was tabled.



Delegate Melville, of Beadle.

No man is more anxious than I to proceed with discretion in this matter. I am in favor of adopting a constitution and then carrying out its provisions by electing officers. We are here to assert the right of self-government, and if we are qualified to adopt a state constitution we are competent to elect officers and carry out the constitution. It is our duty, and the man who shirks that duty is not an honorable man. Drop party matters, selfish ideas, and then your work will amount to something. Let us elect officers—officers, not party men, but true Dakotans.

Delegate Moody, of Lawrence, opposed the question and spoke against the citation of the precedents of other states as quoted by Mr. Campbell. He pronounced elections of the kind mere shams. He avowed his fidelity to all the proceedings of the convention, but admonished the delegates to remember that they were only a small proportion of the people of Dakota.

A recess of ten minutes was taken on motion of Delegate Joseph Ward, of Yankton.

After the recess, Delegate Abe Boynton, of Lincoln, spoke of the election of officers question from a democratic standpoint. He said he was the oldest member of the Democratic Territorial Central Committee. He had been accused by members of the committee as being made a republican tool by working to get a republican territory into the Union. As for himself he did not want any office. He had had enough glory in it already, at his own expense, but he favored the election of officers now. It was right and would help out the vote on the constitution to elect officers now. The campaign which it would inaugurate would do good.

Delegate Caulfield acknowledged that the issue had perplexed him a great deal. There were two strong sides to it, but he could not see that it would do any good to elect officers.

Delegate Chauncey L. Wood, of Pennington.

I will never vote to put off the election of officers. I would rather favor leaving it to Congress altogether. The idea is all wrong that we should put it off. We can't afford to. If we are not to elect officers at the time we ratify the constitution, let us put it off, and let Congress settle it. We have no Congress so mean as to override the will of the people. Before we put off this matter, think of it. I am prepared to vote on the matter as reported by the committee. I would rather vote to not submit the question at all if we do not accept the proposition as submitted by the committee.

Delegate P. E. Knox, of Faulk.

If we want this constitution adopted we had better be a little careful and go a little slow. It has been said that there is no respectable loyalty that would not lead a man to support this. There is no loyalty about the matter. It is not a loyal question. What do these thousands of immigrants coming here every day know of the people here and those who are here in this convention? To whom do they owe loyalty? We should present an article that will be free from everything of this kind. This convention voted down a question on yesterday which arose above all others before this convention. It was voted down as a doubtful question. This is a question of more doubt. It is very doubtful, exceedingly so. I am afraid it will bury the whole constitution and bury it deep.

Delegate Elrod, of Clark.

I think an election on the 7th of November will be a little too previous for state offices. I think we can agree upon a later day, and that it will be better to do so. I think it will be wise, also, to divide the offices, politically. It may bring out a large vote and be better than to elect state officers in November.

Delegate H. J. Campbell, of Yankton, moved to lay Mr. Moody's motion on the table, upon which the ayes and noes were demanded. The vote resulted, ayes 42, noes 40. So the motion to lay on the table prevailed.

Delegate S. M. Daboll, of Hutchinson, arose to explain why he did not vote. He said: "This matter has been magnified until it surpasses my comprehension."

Delegate Mellette, of Codington, offered an amendment to section 8, providing the officers elected should not assume control of their offices, nor receive or be entitled to pay, until after Congress shall have ratified their election and the constitution adopted.

The amendment was finally withdrawn, that Delegate J. R. Gamble, of Yankton, might offer an amendment requiring the election of officers on February 2, 1883.

Delegate Moody moved to amend by inserting June instead of December.

A general discussion followed, during which Mr. Mellette moved to commit the section to a special committee of three, consisting of Campbell of Yankton, Moody of Lawrence, and Pettigrew of Minnehaha.

Delegate C. C. Sherwood, of Clark, counseled the convention to be less passionate, to refrain from words and actions liable to stir up ill-feeling, and to vote at once upon the question, for at this juncture the whole question was open.

Two or three delegates, against electing officers, displayed more than ordinary zeal and used extraordinary language, referring in one or two instances upon the motives of those who favored the proposition. The president's replies were once or twice questioned with questionable propriety, and comments were growing very intense when the president called upon the convention to proceed more dispassionately.

Delegate Caulfield, of Lawrence, moved to strike out the latter clause of the eighth section, which struck out the whole question. The motion was defeated by 49 noes to 31 ayes.

It was then moved that the section be recommitted, which Delegate F. M. Ziebach opposed, saying he intended going home tonight, not to return, and he wanted to vote for the election of officers. If the officers were not elected, he, as a democrat, would be accused, as had been intimated, with being used as a cat's paw, to rake the chestnuts out of the fire for the republican monkey.

Delegate Mellette spoke in behalf of good feeling in the convention. He asked for candor, and in good humor put the convention in better feeling.

Delegate Moody of Lawrence, arose and said, that he hoped the convention would not favor the election of officers.

"Why," said he, "I have been working along here with my colleague, Mr. Caulfield, who is a democrat so deeply dyed in the wool that the dye is proof of the sheep, and I have never heard him speak of wanting an office, and I think he has never heard me say anything about it."

"No," interjected Mr. Caulfield, sardonically, "but we have been keeping up a thinking about it."

There was laughter everywhere, and at 5:30 an adjournment was taken to 7:30. At the evening session, the convention resumed consideration of the question of electing officers, and on motion of Delegate Ziebach the consideration of the entire report was postponed until Monday, at 2 P. M., the vote being 36 for to 31 against.

The convention then adjourned until Monday at 9 A. M.

At the evening session, Delegate C. J. B. Harris of Yankton moved to reconsider the vote by which section 3 of the report of the committee on state, county and municipal indebtedness was carried. He explained that the section as adopted would prevent cities from voting aid to railroads, and that he desired to reconsider in order to be able to move an amendment at the proper time.

Delegate Moody said the question should not be considered tonight as many members were absent. He was opposed to granting aid to corporations, and denounced such aid as the robbery of private citizens.

Delegate Harris explained that his motive was not to bring the amendment before the convention at this time.

Delegate Pettigrew moved to lay the motion to reconsider on the table, and it carried.

Delegate Elred, of Clark, moved to reconsider the vote by which section 2 of the report of the Committee on Exemptions was adopted. He explained his object to be for the purpose of striking out the clause referred to, because of its being useless and objectionable.

Daboll, Mallahan and Brookings opposed the motion of Elred, and it was finally laid on the table on motion of Monaghan of Deuel.

The convention then adjourned until Monday at 9 A. M.

#### THIRTEENTH DAY

The convention met at 9 o'clock, A. M., and was opened by prayer by Rev. J. N. McLoney, pastor of the local Congregational Church.

Delegate Mitchell, of Brookings County, offered a resolution limiting remarks of delegates to one minute, and forbidding any delegate to speak more than one time on any subject. The resolution was adopted.

The citizens of Kingsbury County were permitted to withdraw a petition for prohibition.

Delegate Melville, of Beadle, offered a resolution that the constitution provide that whenever 5,000 legal voters of the state shall petition the Legislature for the submission of any amendment to the constitution, to the votes of the people, the question shall be so submitted at the next general election thereafter, and if a majority of the legal votes shall be received in favor of the amendment, it shall then become a part of the state constitution. Referred to the committee on legislation.

The report of the executive committee was taken up for consideration. Delegate Sterling, of Spink, moved to strike out the last clause of section 2 to-wit:—"nor shall either be eligible as his own immediate successor," which clause forbids a man from being elected to more than one term of a state office without intervening time between terms.

The motion was supported by Delegate Hand, of Yankton, S. W. Duncan, of Beadle, and others, and was opposed by A. C. Mellette, of Codington, and Delegates Grigsby and Pettigrew, of Minnehaha.

The amendment was lost and the section was adopted as reported.

Sections 4 and 5 were adopted as reported, but amendment was offered to section 6, which elicited much discussion. It was moved to strike out "chief justice," and insert "state auditor," in the Board of Pardons.

Delegates Kellam and Mellette opposed the change, and the report was finally adopted without change.

The report of the judiciary was then taken up.

Delegate Hand, of Yankton, offered an amendment requiring the Supreme Court to render opinions when requested by the governor, Legislature, or state officers. The amendment was defeated.

Delegate Brookings, of Minnehaha, moved to strike out section 11 retiring judges of the Supreme Court when they shall have arrived at the age of seventy years, and have been in the discharge of their duties sixteen years immediately preceding such retirement. He said he did not favor pensioning a judge of the Supreme Court on the money of the poor laboring people.

The amendment was opposed by Delegate Moody upon the ground of right and the advancement of honesty.

Delegate Joseph Ward, of Yankton, thought that when a judge was found good enough to have three terms of office, we should provide for him in old age.

Delegate Jones, of Hutchinson, urged that the section be stricken out, on the ground that all officers were entitled to the same treatment.

Delegate Melville, of Beadle.

It is only a fair recognition of the ability of a man who is worthy of being a judge for three terms. A man selected to a life position on the bench should be put beyond the necessity of speculating in other business for a livelihood.

The amendment failed, and the section was adopted.

Delegate C. J. B. Harris, of Yankton, moved to add to the latter clause of section 12, which provided that for the purposes of re-election, no supreme judge shall be deemed to have lost his residence in the district by reason of his removal to the seat of government in the discharge of his official duties, the following:

Provided, That at the next election under this constitution a person of some ~~rank~~ shall be sufficient to render any person eligible who has the other qualifications prescribed by this section.

It was charged by a delegate that the amendment was intended for Judge Edgerton alone.

A delegate replied that if that was so the amendment was not needed, for the point was covered in another article. The amendment was withdrawn.

Delegate Mellette moved to recommit section 17, providing for five judicial circuits, with instructions to report but three circuits.

A great deal of discussion followed, and much opposition was manifested to the five circuit proposition.

Delegate Moody supported the report of the committee, and said that in his county alone there were on the calendar of the court over two hundred civil suits, and some of these had been at issue over two years. He said that four circuits were the very least number that could consider the business.

Delegate C. L. Wood, of Pennington.

I am decidedly opposed to reducing the number of circuits. I much will be lost at each term of court in a single county, if the number is reduced, to pay the salary of a judge for a whole year.

Delegate Converse of Sanborn.

It is false economy to limit the number of districts to so small a number as proposed, so that business cannot be transacted with reasonable rapidity.

The amendment was lost and the section adopted as reported.

Section 20, prohibiting judges of Supreme, Circuit or County courts, receiving any pay or emoluments on account of their office, other than their salary, was the source of considerable contention. It was held that judges being compelled to take final proofs in land cases should be allowed to receive pay therefor.

The section was, however, adopted as reported, but was reconsidered, on motion of Delegate Moody who offered an amendment allowing county judges to take fees in taking final proof in land cases, which was adopted, and the convention adjourned until 2 o'clock, P. M.

On reconvening, Delegate F. M. Ziebach, of Bon Homme, called up the question involving the election of state officers, and at the same time moved the previous question. The previous question brought up the question—that of recommitting the section subdivision of section 8. The vote was taken by ayes and noes, and resulted, ayes 18, noes 50, so the motion to recommit was lost, and the amendment to the amendment offered by Mr. Moody, to hold the election June 20, 1883, instead of October 20, 1883, came up. This amendment was defeated by 50 to 30. Then followed the amendment of Mr. Gamble, of Yankton, fixing the date on December 20, was put and defeated. This brought the situation down to a vote on the second subdivision of section 8 as reported from the committee, to elect state officers at the same time the vote is had on the constitution. The section reported was adopted by the following vote:

Ayes—Delegates Baum, Brayton, Boynton, Brookings, Bertelson, Brooks of Yankton, Callahan, Chapman, Conklin, Campbell of Yankton, DeLaur, Dinsman, Day, Daboll, Elrod, Elliott, Foster of Hanson, Foster of Spink, Garfield, Ingesson, Gamble, Hager, Howell, Herman, Hunt, Hund, Harris, Johnson of Hyde, Jones, Kellam, Knox, Keith, Lane, Lothian, Liebermuller, Melville, Morgan, Mitchell,



McDonald of Jerauld, Mellette, Monaghan, McDonald, Macdonald of Kingsbury, Pierce, Peck, Rudolph, Sherwood, Tripp, VanVelsor, Whiteside, Wood, Ward of Yankton, Ziebach—52.

Noes—Bronson, Bippus, Cort, Caulfield, Campbell of Minnehaha, Converse, Dawson, Edwards, Eakin, Knight, Lewis, Lucas, Levering, Lake, McVey, Moody, Mallahan, Pease, Pettigrew, Reed, Rutan, Sheffer, Smith, Warner, Williamson, Wellman, Whiting, Westover—28.

When Delegate Pettigrew was called to vote, he voted no, and asked to have time until tomorrow to submit his protest in writing to the proceeding.

Section 20 was amended fixing the membership of the Legislature as follows: Senators, 32; representatives, 78.

Section 5 was reconsidered, a number of amendments proposed, and the proceedings grew so complicated, to use the language of the official reporter, that few delegates understood the propositions which had reference to the time when the state officers should assume their official functions. The section was finally sent back to the committee for a more satisfactory report.

Section 6 was completed by inserting the word "Yankton," so that it reads: "The first meeting of the Legislature shall be at the City of Yankton on the first Monday of December next, with power to adjourn to any other place."

Delegate R. F. Pettigrew moved to reconsider and amend section 8 by inserting after the word "held," in connection with the provision that an election shall be held to elect state officers, the words, "Not less than fifty days after the adoption of this constitution by the people, and upon a day fixed by the executive committee hereinafter provided for."

On motion of H. J. Campbell the motion to reconsider was laid on the table, and the amendment was shut out from a vote. The motion by which the section was reconsidered was laid on the table, and the report being adopted was referred to the Committee on Arrangement and Phraseology.

Delegate C. N. Keith, of Spink County, called up for adoption the report from the Committee on Legislative Apportionment.

That part of the report fixing two congressional districts was recommitted, there being a disposition shown to have the two congressmen elected from the state at large.

Considerable difference of opinion was disclosed over the apportionment of senatorial districts. A. S. Jones of Hutchinson, opposed the coupling of Hutchinson with Douglas and receiving but one senator when Bon Homme and Clay, having a less population, he said, than Hutchinson, were given a senator each, by itself. This was compromised by taking one representative from Bon Homme and giving it to Hutchinson.

The portions of the report referring to Sanborn, Davison, Faulk, Edmunds, and McPherson counties was recommitted. The committee immediately reported back the portion recommitted, making two representatives to Congress from the state at large, and the report was adopted.

The report from the Committee on Corporations other than Municipal and Banking was taken up, and Delegate Jones, of Hutchinson, offered an additional section, requiring the Legislature to pass laws from time to time, regulating tariffs charged by railroads, canal and other transportation companies, and against unjust discrimination.

Delegate H. W. Peek, of Hanson, moved, as a substitute for Mr. Jones' section, an additional section providing for dividing the state into three districts and electing a railroad commissioner in each, the three to form a board to control railroad transportation under a law regulating common carriage and fixing uniform tariffs, and see that the railroad laws are recognized. Mr. Peek said it was useless to pass railroad laws without a Board of Railroad Commissioners,—that it was a part of the business of railroad companies to corrupt Legislatures.

Delegate Mellette, chairman of the Committee on Corporations other than Banking, said the committee had had the questions involved in the section pro-

posed by Mr. Peck, but had concluded not to go into the management of railroads. The principle he thought probably all right, but said it belonged with the Legislature.

Delegate J. C. Elliott, of Grant County, said that there should be a barrier placed between the people and the railroad, and the tariff charged by the railroad controlled by the people.

Delegate Boynton of Lincoln.

It would not be difficult to put a measure of this kind in the constitution. The people should go to the Legislature. We are going to have a large Legislature. I don't think it wise to proceed on the ground that our Legislature will be corrupt, to be bought up like sheep.

Delegate J. C. Elliott, of Grant.

The whole northern portion of this territory is in the hands of most powerful corporations. The southern portion of the territory is being made a network of railroads and we are falling also into the grasp of powerful corporations. I only ask for a barrier to stand between corporations and the people.

Mr. Peck's additional section was lost on a vote, and on the section offered by Mr. Jones the ayes and noes were demanded, and Delegate Pittigrew urged its passage as being a just measure to the people.

Delegate Brookings thought it unwise to incorporate such glaring opposition to railroads. That the people could not afford now to antagonize the railroads, nor could the railroads afford to antagonize the people. He asked, as a matter of discretion, to leave the matter out of the constitution.

Delegate McNettie said that since examining the section proposed he could see nothing to oppose in it.

The aye and no vote resulted, ayes 53, noes, 18, so the section was adopted.

Delegate Lake, of Pennington, offered an additional section, directing that holders of stock in any corporation, may, in an election for directors thereof, cumulate their votes upon any one director, or may distribute them among the various directors, as they see fit, the whole number of which each stockholder may be entitled being determined by multiplying the number of his shares by the number of directors.

The section was adopted, and the report was referred as a whole to the Committee on Arrangement and Phraseology.

The report of the Committee on Mines, Mining and Water Rights was taken up for adoption, and being considered, the following proviso was added to section 1, under water rights: "Provided, however, that nothing in this article contained shall change the rule of riparian rights and ownership in that portion of the state east of the Missouri River."

The report of the Committee on Roads, Bridges, and Other Internal Improvements, was adopted as reported by the committee.

Delegate Lothian, of Grant, was allowed to introduce a resolution directing the Committee on Phraseology to provide for biennial elections.

The report of the Committee on Finance was taken up on motion of Delegate Harris of Yankton, and adopted, after the adoption of an amendment offered by Delegate Moody, which "Provided that laws may be passed by the Legislature providing that railroads be taxed on gross earnings."

The report of the Committee on Amendment and Revision of the Constitution was taken up. Delegate F. W. Eakin, of Sully County, said the report did not meet the expectation of the convention; that it was desired that it be made easy to secure amendments to the constitution now being adopted, particularly in the matter of prohibition, and that it could not be amended, as it was, under five years.

A. B. Melville moved to recommit the report of the Committee on Amendments, with instructions to report at a public hearing, mentioning, more fully, his resolution allowing 5,000 legal voters to bring in proposed amendments before

the voters by petitioning the Legislature, and if the proposition receives a majority of the vote cast, it shall become a part of the constitution.

The matter was then committed to the Committee on Bill of Rights adding to that committee Messrs. Eakin and Converse.

Delegate G. C. Moody moved to reconsider the vote by which the vote was taken on the question of prohibition, and announced that he would take until tomorrow afternoon to consider whether or not he would call up the motion to reconsider.

There was considerable warm discussion upon the subject, on the ground that the issue had been settled by indefinite postponement and should not be taken up again.

A. S. Jones, of Hutchinson, said it was unfair to take up the question, as many of those who had taken an active part in the issue had gone home.

Those of the prohibitionists present said that they were perfectly willing to abide by the disposition of the question made, and did not wish to take it up again. They did not want to re-open the question, they stated, even if they knew they could carry it.

The motion by Mr. Moody to re-consider the vote by which the issue was indefinitely postponed, was defeated, and a motion was made and carried to lay the motion to re-consider on the table.

Mr. Moody raised the point of no quorum, but the president ruled that there was a quorum at all times unless a roll call of the convention was taken and no quorum was disclosed.

At 11:30 P. M. the convention adjourned until 9 o'clock, A. M., tomorrow.

#### FOURTEENTH DAY

At 8 o'clock, Rev. A. P. Lyon, pastor of the First Methodist Episcopal Church of Sioux Falls, opened the convention with prayer.

Delegate Campbell, of Yankton reported back from the Committee on Schedule, section 5, incorporating the provision that no officer elected at the election in November next shall assume the duties of his office, or be entitled to salary or emoluments until the constitution is ratified by Congress.

Delegate Melville from the Bill of Rights Committee reported the section requiring the Legislature to submit to the people at an election any amendment to the state constitution petitioned for by 5,000 voters.

Both the above reports were adopted.

Delegate Rudolph, of Lincoln, offered a resolution directing the printing of 20,000 copies of the constitution in the English language, 1,000 in the Norwegian language and 1,000 in the German language. The resolution was adopted.

Delegate Brookings submitted an additional section to the constitution, directing that the first Legislature shall provide for biennial elections of all state and county officers, such elections to be held on the first Monday in November of each year.

The report on the ordinance for the taking of a census of the State of Dakota was considered, amended and adopted. The president of the convention was authorized to appoint the chief enumerator, and the pay of enumerators was to be fixed by the executive committee.

On motion of Delegate Gamble, of Yankton, the report on revenue and finance was reconsidered, and an amendment offered by Thomas Sterling, of Spink, directing that the Legislature shall provide such revenue as may be needed by uniform taxation was adopted.

The report of the Committee on Compensation of Public Officers was taken up. Delegate Converse said the matter had no place in the constitution of the state. That the matter of salaries of state officers should be left to the Legislature. He was supported by Delegate Dollard, who moved to strike out the whole report. The motion was lost. Delegate Jones moved a substitute leaving



the salaries to future Legislatures. Delegate Hand said that while he believed economy should be observed, it was poor policy to tie the matter up too closely. That it was difficult to have salaries changed after they were fixed in the constitution.

After amending the report so that the salaries of supreme judges shall be left to the Legislature, and striking out the provision forbidding any state officer to receive any fees or perquisites, the report was adopted.

The report of the judiciary committee on preamble was taken into consideration, and the reading of the preamble called for and the reading was ordered, as follows:

We, the people of Dakota, south of the 44th parallel of north latitude, through our representatives in convention assembled, invoking the guaranties of the Federal Constitution, and relying upon the pledged faith of Congress in extending to the inhabitants of this portion of the territory of the United States the rights, privileges and immunities secured to the people of the territory northwest of the River Ohio by the Ordinance of 1787, including the right to form for ourselves a state constitution and government, and be admitted into the Union on an equal footing with the original states, such right being further secured by the conditions of the cession from France of the Province of Louisiana, having complied with all the conditions necessary to admission, manifesting profound reverence for the Supreme Ruler of the Universe, in order to form a more perfect and independent government, establish justice, insure tranquility, provide for the common defense, promote the general welfare, and preserve to ourselves and to our posterity the blessing of liberty, do ordain and establish this constitution for the State of Dakota.

The report was adopted.

The report of the Committee on State Institutions and Public Buildings was then taken up, and nearly all the provisions reported were stricken out. As adopted the report contained but one section which required the Legislature to pass laws regarding state institutions and the care of the insane, deaf, dumb and blind, etc.

The report on banking and currency was considered. The second section brought up the question of private banks of issue and elicited some discussion, but it was adopted as reported. The fifth section making shares of stockholders in banks individually responsible for debts of such banks to the extent of the amount of their stock at the par value in addition to the amount invested in such shares of stock. Some delegates thought it not just to hold shareholders responsible for more than the mere share itself. There was great latitude in the discussion but the section was finally adopted as reported.

The noon recess was taken and upon reassembling, Delegate Dollard moved to reconsider the first section of the report of the Committee on Corporations other than municipal and banking, his purpose being to offer an amendment providing that the Legislature may from time to time enact laws for the purpose of authorizing the formation of corporations. The motion was lost.

The report of the Committee on Linnent Domain and Public Property was then taken up and adopted.

Delegate Dollard, of Bon Homme, asked that the section of the article on apportionment, where Bon Homme County was relieved of one representative by an amendment, be reconsidered, and the member be restored to Bon Homme. The report was reconsidered and these portions affecting Bon Homme and Davison counties were recommitted and subsequently reported to the convention; a modification by which the counties were granted their demands and the report was adopted.

The report of the Committee on Address to the People was presented and adopted. This completed the presentation and adoption of all reports in the constitution. It was announced, however, that there were a few proposed amendments in the hands of committees, also that there were sections that had been recommitted not yet reported, but it was determined that these could come up in the consideration in the report of the whole constitution from the Committee on Arrangement and Phraseology.



Delegate C. L. Wood, of Pennington, offered an additional section to the schedule, authorizing the executive committee to postpone the election of state officers and members of the Legislature and members of Congress until such time as they may deem most conducive to the public interest.

Delegate Mellette supported the section. He voted for the adoption of the measure as reported from the committee and as it was adopted, he said, but he thought the proposed section would make better feeling. "Wise men sometimes change, but fools never," was an old adage that should be considered, he said, and if the majority had made a mistake it had better rectify it and do it now. He wanted harmony and enthusiasm and believed in meeting on half-way grounds in the issue.

Mellette's words were like oil poured on the troubled waters and seemed to put the convention in good and friendly feeling.

H. J. Campbell, of Yankton, concurred in the proposed section of Delegate Wood, feeling that it was in the interest of harmony.

Delegate J. R. Gamble, of Yankton, moved that a committee of seven be appointed to report upon the matter at 8 o'clock this evening.

Delegate Pettigrew spoke against leaving the matter in the hands of any committee. He thought the majority all the wiser. Since it had been settled that officers should be elected, he thought it should so remain, and that, although he voted against it, he would work for the ratification of the constitution.

Delegate Pease, of Davison, said he only opposed the proposition because it presumed there was a discordant element in the convention. That while he voted against the proposition to elect officers he was satisfied with the result, and knew of no one that was not satisfied.

Delegate Hagar, of Davison, said that while he was in favor of electing officers he was glad to see the efforts at the proposed compromise, and thought it might do good.

Delegate W. M. Pierce, of Codington, spoke in favor of the proposed compromise but contended for the election of officers and said he came here with that understanding.

Delegate Dollard spoke in favor of the compromise, which was seconded by quite a number of delegates.

The president named the following committee to take the matter into consideration. Wood, of Pennington; Boynton, of Lincoln; Mellette, of Codington; Moody, of Lawrence; Pettigrew, of Minnehaha; McCoy, of Bon Homme, to which committee President Tripp was added.

Delegate Hugh J. Campbell, of Yankton, offered a resolution that the constitution as now prepared be sent to the Committee on Arrangement and Phraseology, that after its revision by such committee it be engrossed and delivered to the president of the convention. That he sign it and affix the signatures of the members of the convention.

Delegate G. C. Moody, of Lawrence, objected to anybody attaching his signature to any document without express authority from him.

The motion of Delegate Campbell was adopted with the understanding that the affixing of the signatures of members be only by special permission.

Delegate C. L. Wood, from the special committee, offered a resolution which was adopted, for an additional section to the schedule report, granting to the state executive committee discretionary power and authority to postpone the election of state officers, members of the Legislature and members of Congress, until such time as they might deem most conducive to the public interest.

Delegate A. J. Knight, of Lawrence, offered a resolution of thanks to Hon. Bartlett Tripp, president of the convention, for the efficient and courteous exercise of his duties, which was unanimously adopted.

Delegate C. N. Keith, of Spink, offered a resolution of thanks to T. G. Brown and Tom Hooper, stenographers of the convention for their painstaking and accurate work. Unanimously adopted.

On motion of Delegate J. P. Gamble, the names of Messrs. Wood, of Pennington and Campbell, of Yankton, and Sterling, of Spink, were added to the Committee on Arrangement and Phraseology.

Delegate Wood, of Pennington, offered a resolution that the Legislature should provide for the election of four presidential electors in 1884. Postponed until next session.

Delegate Campbell, of Yankton, offered a resolution adopting the constitution and schedule as a whole. Postponed until next session.

Delegate Moody asked that some other delegate be substituted in his stead on the committee to whom was referred the proposition of electing state and other officers. He asked it only as a matter of wisdom and not because he had any objection to serving. He hoped to have no further connection with the subject. Mr. Gamble, of Yankton, was appointed in place of Mr. Moody.

At 4:55 the convention adjourned until 8 P. M.

Upon the reassembling of the convention for the evening session, Delegate Campbell, of Yankton, introduced a resolution embodying thanks to C. H. Windsor, Secretary of the convention and H. M. Avery, assistant secretary for their efficient and unremitting labors, also thanks to the citizens of Sioux Falls, to the press and to the clergy, also the ladies of Sioux Falls. The resolutions were adopted.

Delegate Eakin, of Sully, introduced a resolution providing for biennial elections, which failed to pass.

The special Committee on State Elections reported authorizing the state executive committee to postpone the election of officers provided for to take place in November, if they deemed it conducive to the best interests of the state, and to fix the time for a new election if deemed expedient. Adopted.

Delegate Gamble moved to reconsider the section which had been adopted, relative to compulsory education. The motion prevailed, and on motion of H. A. Day, of Edmunds, the section was stricken out.

At 10:45 o'clock P. M. the convention adjourned until 9 o'clock A. M. the next day, Wednesday, September 19th.

#### WEDNESDAY, SEPTEMBER 19TH, CLOSING DAY.

The convention met in the morning and was opened by prayer from Rev. W. J. Skillman. The following members were added to the Committee on Arrangement and Phraseology: A. S. Jones, of Hutchinson; C. N. Keith and Thomas Sterling, of Spink; A. G. Keithan, of Butte; J. M. Pense, of Davison; A. B. Lucas, of Charles Mix, and L. W. Chapman, of Hanson.

The convention then adjourned until 6 P. M. to give the Committee on Enrollment time to transcribe the constitution. The committee were at work the entire day.

At 10:30 the Committee on Arrangement and Phraseology completed their work and President Tripp called the delegates to order for the transaction of any business that might remain to be finished.

Delegate Moody, of Lawrence, said that while he did not wish to move an instruction to the committee to wait upon Congress in the interest of statehood, to have the word "south" prefixed to Dakota, if found desirable, as announced at a previous session he would do, still he would state that he thought the matter of name should not stand in the way of statehood.

A motion by R. F. Pettigrew, of Minnehaha, was adopted, requesting the cooperation of Hon. John B. Raymond, delegate to Congress, in the work of statehood, and asking that he introduce the bill in Congress, and urge its speedy passage for the ratification of the constitution adopted by this convention, and the admission of the State of Dakota into the Union.

Delegate C. N. Keith, of Spink County, was appointed by the president, chief enumerator.

On motion of Delegate Moody, of Lawrence, the Committee on Ways and Means were instructed to make their report to the state executive committee and to the members of the committee.

The number of the committee to wait upon Congress and present the constitution was increased from fourteen to twenty-five, and the committee appointed, as follows:

Names of committee to bear the first state constitution to Congress: Bartlett Tripp, Yankton County; A. G. Kellam, Brule County; J. R. Whiteside, Clay County; M. H. Day, Bon Homme County; J. M. Pease, Davison County; W. H. Brayton, Hyde County; O. H. Bronson, Miner County; J. A. Ward, Hughes County; John Cain, Beadle County; A. W. Hagar, Davison County; O. S. Gifford, Lincoln County; George Freeman, Union County; James Baynes, Hanson County; F. M. Goodykoontz, Brule County; Robert Dollard, Bon Homme County; C. H. Winsor, Minnehaha County; W. W. Brookings, Minnehaha County; Newton Edmunds, Yankton County; A. C. Mellette, Codington County; G. C. Moody, Lawrence County; H. J. Campbell, Yankton County; B. G. Caulfield, Lawrence County; E. W. Foster, Spink County; Thomas Sterling, Spink County; A. Boynton, Lincoln County; R. W. Welch, Aurora County; C. L. Wood and R. C. Lake, Pennington County.

The Committee on Printing was authorized to contract for the constitution in pamphlet form. The state executive committee were authorized to have the journal of the convention printed.

The work of the enrolling committee was announced completed, and the delegates present signed the constitution.

At 11 o'clock P. M. Wednesday, September 19, 1883, the first constitutional convention of Dakota adjourned, sine die, subject to the call of the president of the executive committee.

Of the forty members and officers of the convention, the following data regarding the state or country of their nativity was secured. There does not appear to have been any native Dakotans at that rate, and only one from Minnesota, Dakota's immediate ancestor.

New York, 27; Illinois, 8; Maine, 6; New Hampshire, 4; Michigan, 3; Iowa, 2; Ireland, 2; Russia, 1; Ohio, 15; Wisconsin, 8; England, 6; Indiana, 4; Norway, 3; Missouri, 2; Minnesota, 1; Vermont, 8; Pennsylvania, 8; Canada, 6; Germany, 4; Virginia, 2; Massachusetts, 2; Sweden, 1. Total, native Americans, 106. Total, foreign born, 17.

The occupation of 127 of the members was found to be as follows:

Lawyers, 42; editors, 13; clergymen, 5; hotel keepers, 2; farmers, 31; real estate dealers, 11; physicians, 2; liverymen, 1; merchants, 15; bankers, 3.

The average age of the delegates was placed at thirty-five years, though the average age of those upon whom the greatest portion of the work devolved was about forty years. The occupation of the delegates indicated the popular character of the convention.

#### OFFICIAL VOTE ON CONSTITUTION OF 1883

At the election held October 20th, the vote on the question of adopting or rejecting the constitution, as canvassed by the executive board, resulted in favor of adoption by the vote as stated below, said vote being given by all the counties that participated in the election. The total for the constitution was 12,336. Against, 6,814.

Counties	For	Against	Counties	For	Against
Aurora .....	333	66	Brookings .....	58	368
Brown .....	232	109	Clark .....	253	309
Beadle .....	533	51	Clay .....	210	367
Bon Homme .....	425	416	Charles Mix .....	230	46
Brule .....	388	62	Codington .....	257	135



Counties	For	Against	Counties	For	Against
Custer	100	10	Lincoln	100	10
Day	100	10	Lyons	100	10
Davison	100	10	McPherson	100	10
Deuel	100	10	Minnehaha	100	10
Dewees	100	10	Missouri	100	10
Edwards	100	10	Nebraska	100	10
Fauley	100	10	North	100	10
Franklin	100	10	Polk	100	10
Grant	100	10	Roberts	100	10
Hamlin	100	10	Sanborn	100	10
Hanson	100	10	Shaw	100	10
Hyde	100	10	Sioux	100	10
Hutchinson	100	10	Union	100	10
Lincoln	100	10	Ward	100	10
Jerold	100	10	Yankton	844	398
Kingsbury	324	76			
Total	12,336	6,814			

The counties of Buffalo, Butte, Campbell, Fall River and W. Fourth made no returns, and the counties of Davison, Hyde and Roberts returned the vote of but one precinct each.

The canvassing board consisted of Bartlett Tripp, president of the state executive committee, and Chief Justice Edgerton, W. S. Bowen, J. H. Teller, and H. J. Campbell.

This constitutional convention of 1883 was by authority of the people. It had no legislative sanction other than the bill which had passed the Legislative Assembly at its last session, and had been "pocketed" by the governor. And while there were two constitutional conventions subsequently held before the state was finally admitted, the ground work and the principal features of the first people's convention were retained and became the fundamental law of the state carved from the original territory. The first convention was composed of excellent, able and patriotic men, and acting under the responsibility of the people alone; actuated by the knowledge that their deliberations and its results would be closely scanned and subjected to much criticism, and that one of the leading political parties in Congress would probably find a pretext for opposing the wish of the people, in the magna charta itself, if it afforded the slightest opportunity. Therefore the builders of the constitution exercised unusual thought and study, with exhaustive debates, in considering every feature. Economy was pressed to the lowest notch, so much so that it became one of the weaker instead of the stronger features of the fundamental law, in the judgment of many, though not to the extent of alienating any portions of the popular vote.

That the aggregate vote polled for and against the constitution was not large, did not signify an element of weakness in the constitution presented, nor indifference toward the main question. The Ordway influence, whatever it amounted to, was against it, and some of the able speakers that traversed the territory in opposition, were known to be acting in his interest. Though the governor's influence in the territory was of little moment except where exercised indirectly as it was in this campaign in inducing certain ones who were candidates for federal positions to act for him, he was considered valuable in securing the favor of the appointing power at Washington. In this he was possibly overrated unless the applicant came from New Hampshire or Vermont. But as "drowning men catch at straws," the office-seeker, though a Dakotan, was prone to seize upon anything that promised to assist him. Ordway was sustained by all of this element, but the federal favors were controlled for the natives of the Green Mountain country. The Hon. Alexander Hughes, president of the capital commission, whose home had been in Union County, exerted himself, with substantial support, to carry the vote of Lincoln and Union counties and succeeded.

The speakers enlisted to champion the cause of the constitution performed their part without fee or reward, and the people generally, in the several coun-



ties or precincts, paid the necessary expenses of their campaign. The motive which governed them, it will not be denied, was a praiseworthy and a patriotic one.

The constitution was assailed by such learned speakers as ex-Judge Shannon, who denounced it as favoring railroad corporations and against the interests of the people. Being a lawyer of ability he was able to arouse quite an opposition sentiment on that charge, and he was well aware that the public mind was extremely sensitive on the railroad question. The constitution did not discriminate in favor of railroad interests and railroad people did not so understand it, but the charge was apparently justified by the exigencies of the campaign against it, and would accomplish all that was hoped for it if it could be kept in the swim until the election. "The end would justify the means." There was also considerable disaffection in northern counties bordering the 40th parallel, where the vote was light in some instances, and the "one state for the entire territory" had a numerous following. They believed their interests would be better subserved if they were in the center of a large state rather than on the border of a smaller one. There were many thousands, as will be seen, that did not vote at all, and were governed by various motives, the one most probable, and frequently heard during the campaign, that there was nothing to inspire confidence in the success of the movement, lacking, as it did, legislative or congressional authority. However, the vote cast was far from discouraging to the friends of the movement who had labored for its success, and who found substantial consolation in a comparison of the result with the votes cast, for and against the constitution, in a number of other aspiring territories that were admitted on a much smaller showing of the popular vote. As examples:

In Iowa, admitted in 1846, the vote on the constitution was 9,492 for, and 9,036 against, a majority of only 456. In Nebraska, in 1866, for the constitution 3,938, against 3,838, only 100 majority. In Kansas, in 1859, for 10,421, against 5,230. In Oregon, 1857, for 7,195, against 3,195. In Connecticut, 1816, for 13,919, against 12,361. In South Dakota, 1883, for 12,336, against 6,814, majority 5,522, showing a larger popular vote than any state except Connecticut, and a larger majority than any in favor of the constitution.

#### MAYORS' CONVENTION, FARGO

There was a convention or public gathering held at Fargo August 27, 1883, called by the mayors of Fargo, Jamestown, Bismarck, Grand Forks, and the chairman of the trustees of Tower City, to consult as to the practicability of holding a convention in North Dakota, in view of the fact that the people of South Dakota were about to hold a constitutional convention at Sioux Falls and appropriate the name of Dakota to themselves. This conference of the mayors called a convention of the people of North Dakota to meet at Fargo, September 12th, to consider this matter and the subjects of division and admission. The Fargo convention met at the time named and appointed a committee to visit and consult with the Southern Dakota constitutional convention then about to convene or already in session at Sioux Falls, regarding the important matter of a name for the new state it was proposed to establish for the south half of the territory. Nothing further was done.

## CHAPTER CVIII

### THE CONSTITUTION BEFORE CONGRESS

1884-1885

DELEGATION BEARS CONSTITUTION TO PEOPLE—CHIEF JUSTICE HERE FOR EMBASSY—SENATOR HARRISON INTRODUCED BILL TO ADMIT THE CONSTITUTION AND ACCEPT THE CONSTITUTION—TEXT OF THE BILL FOR ADMISSION, DIVISION AND THE TERRITORY OF DAKOTA—DAKOTA, FEBRUARY 1885—VOTE OF THE STATE, DAKOTA—CLEVELAND INAUGURATED PRESIDENT—A PEOPLE'S MEMORIAL—CONSTITUTIONAL CONVENTION, 1885—JUDGE A. J. EDGERTON, PRESIDENT—THE PEOPLE'S CONSTITUTION AND ADOPTION OF IT

There was no election of state officers called for by the executive committee appointed by the constitutional convention of 1883. The next step taken was the visit to Washington, after the holiday recess of Congress, by the committee appointed by the convention, led by Chairman Tripp, who presented a copy of the proceedings of the convention and the constitution to the presiding officers of both Houses of Congress together with a formal petition asking the admission of the State of Dakota into the Union. Delegate Raymond had been supplied with certified copies of the documents earlier.

About the 20th of February, 1884, Senator Harrison, of Indiana, by order of the Senate Committee on Territories, was prepared to introduce a bill providing for the admission of Dakota into the Union under the Sioux Falls constitution, and a similar bill was to be introduced in the House by Delegate Raymond at the same time.

It provided for the ratification of the constitution and the state government which the people of Dakota had formed in 1883, and also provided for the admission of the State of Dakota into the Union on an equal footing with the other states.

The governor, secretary, chief justice, United States attorney, and the president of the constitutional convention, or a majority of them were authorized to issue a proclamation calling for an election for the ratification or rejection of the constitution, and for the election of state officers and members of the Legislature, and two members of the National House of Representatives of the United States, to be held on some day between the 15th day of November, 1884, and the 1st day of February, 1885. The bill granted to the state sections 16 and 36 in every township for school purposes. Also fifty sections to be located by the Legislature, with the approval of the president, for the purpose of erecting public buildings at the capital. The same amount of lands for a penitentiary and agricultural college. All the sale money not exceeding twelve hundred, and 5 per cent of the proceeds of the sale of public lands for school purposes. The lands granted for educational purposes were to be disposed of for not less than \$5 per acre.

Section 2 provided:

That that portion of the territory now placed in public land and otherwise provided by act of Congress containing no territory, and all the laws and all the acts of Congress and of the Legislature of said territory, not locally inapplicable, shall continue therein in full force and effect, the same as though no portion of the territory had been admitted into the Union.

The governor thereof may divide the territory into judicial districts and assign the judges thereto, and shall divide said territory into twenty council and representative districts, and apportion the representation therein to which each district shall be entitled in the Legislative Assembly.

When the State of Dakota shall be admitted into the Union under the provisions of this act, the laws of the United States not locally inapplicable, shall have the same force and effect within the state as elsewhere within the United States, and said state shall constitute one judicial district, to be called the District of Dakota, and for said district a district judge and a marshal and a district attorney of the United States shall be appointed by the President, by and with the advice and consent of the Senate.

The bill further provided for the judicial organization of the new state.

The bill provided for the submission of the constitution to a vote of the people of Dakota at an election to be held on the 15th of the next December (1884), so as to place the date of admission beyond the presidential election, and thus quiet the apprehensions of the democrats who feared that the scheme was to get Southern Dakota into the Union in time to vote at the presidential election held in November, 1884, and possibly turn the result against the democrats.

The bill appropriated \$20,000 for the expenses of the elections.

The Senate committee reconsidered its favorable action on the above bill after authorizing its introduction and having given the subject further consideration, agreed upon a substitute. It was not a partisan disagreement that induced the reconsideration but seems to have sprung from a feeling of distrust regarding the legitimacy of the Sioux Falls constitution, which had been formed by a convention that had no lawful warrant and therefore the elections held under it were not protected by any law, and though frauds might have been committed, there was no way of reaching them or punishing them. It was regarded as a loose precedent to establish such an important movement upon, and it was therefore determined to ignore the Sioux Falls constitution altogether, and enact a new bill to be called the committee bill in all respects similar to the Harrison bill except that it authorized certain officials to district the southern portion of the territory into legislative districts for the purpose of selecting delegates to a constitutional convention to be held in Yankton in December, 1884. This convention to frame a constitution.

The provisions regarding the Territory of North Dakota remained the same as in the Harrison bill. An appropriation was made to defray expenses.

During the debates in the convention that framed the Sioux Falls constitution of 1883, Col. G. C. Moody, delegate from Lawrence County, had referred to the helplessness of the convention from a lawful standpoint, and advised a course that would be the least liable to provoke serious antagonism.

#### HARRISON'S STATE AND TERRITORIAL BILL

Below is given the full text of the bill prepared by the Committee on Territories of the United States Senate, and introduced by Senator Harrison as a substitute for the bill presented earlier but withdrawn. The substitution of this new bill does not necessarily indicate that the Senate had concluded that the state constitution of 1883 was without authority, but rather that an act of Congress in the form of an enabling act, entirely ignoring the independent action of the Dakotans, and incorporating in the enabling act provisions for the establishment of a new territorial government in the northern half, would have a better chance of success in view of the party situation in Congress, than a measure that recognized what many congressmen regarded as a "revolutionary proceeding." The substitute bill was called the committee bill and provided as follows:

In the Senate of the United States, February 29, 1884. Mr. Harrison, from the Committee on Territories, reported the following bill, which was read the first and second times by unanimous consent and recommitted to the Committee on Territories:

A bill to enable the people of that part of the Territory of Dakota south of the 46th parallel of north latitude to form a constitution and state government, and for the admis-



sion of the state into the Union on an equal footing with the original states, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled:

That the inhabitants of that portion of the Territory of Dakota included in the boundaries hereinafter designated are hereby authorized to form for themselves, out of said territory, a state government with the name of the State of Dakota, which state, when formed, shall be admitted into the Union upon an equal footing with the original states in all respects whatsoever, as hereinafter provided.

Sec. 2. That the said State of Dakota shall consist of all the territory included within the following boundaries, to wit:

Commencing at a point on the west line of the State of Minnesota where the 46th degree of north latitude intersects the same, thence south along the west boundary line of the states of Minnesota and Iowa, to the point of intersection with the north boundary line of the State of Nebraska; thence westerly and northerly along the northern boundary line of the State of Nebraska to the 27th meridian of longitude west from Washington; thence north along the said 27th meridian of longitude to the 46th degree of north latitude; thence east along the 46th degree of north latitude to the place of beginning.

Sec. 3. That all persons residing within the limits of said proposed state, qualified by the laws of said Territory of Dakota to vote for representatives to the Legislative Assembly thereof, are hereby authorized to vote for and choose delegates to form a convention, and the qualifications for delegates to such convention shall be such as by the laws of said territory persons are required to possess to be eligible to the Legislative Assembly thereof, and the aforesaid delegates to form said convention shall be apportioned among the several counties within the limits of the proposed state, in single districts, in proportion to the population in each of said counties and districts, as near as may be, to be ascertained at the time of making such apportionment, by the persons hereinafter authorized to make the same, from the best information obtainable. That said apportionment shall be made by the governor, the chief justice, the associate justice for the first judicial district, the associate justice for the fourth judicial district, and the surveyor general of the Territory of Dakota, or any two of them. And the governor shall, by proclamation, order an election of delegates aforesaid to be held on the 4th day of November, 1884, which proclamation shall be issued at least sixty days prior to the time of such election. And such election shall be conducted, the returns made, the result ascertained, and the certificates to such persons so elected to such convention issued in the same manner as is prescribed by the laws of the said territory regulating elections therein for delegate to Congress. The number of delegates to said convention shall be 120, and all persons resident in said proposed state who are qualified voters of said territory under the laws thereof, at such time as the constitution to be framed shall be submitted to the people for ratification or rejection, shall be authorized to vote upon the question of such ratification or rejection, under such rules and regulations as said convention may prescribe.

Sec. 4. That the delegates to the convention thus elected shall meet at the City of Yankton on the second Tuesday of December, 1884, and, after organization, shall declare on behalf of the people of said proposed state that they adopt the Constitution of the United States. Whereupon the said convention shall be, and is hereby, authorized to form a constitution and state government for said proposed state. Provided, That the constitution shall be republican in form, and make no distinction in civil and political rights on account of race or color, except as to Indians not taxed, and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence. And provided further, That said convention shall provide, by an ordinance irrevocable without the consent of the United States and the people of said state: First, That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said state shall ever be molested in person or property on account of his or her mode of religious worship. Secondly, That the people inhabiting said proposed state do hereby declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian or Indian tribes, until the title thereto shall have been extinguished by the United States, and that the same shall be and remain subject to the disposition of the United States. That the lands belonging to citizens of the United States residing without the said state shall never be taxed at a higher rate than the lands belonging to residents thereof. That no taxes shall be imposed by the state on lands or property then not belonging to or which may hereafter be purchased by the United States or reserved for its use. Provided, however, that nothing herein, or in the ordinance herein provided for, shall preclude the said State of Dakota from taxing as other lands are taxed any land owned or held by any Indian who has severed his tribal relations, and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress containing a proviso exempting the lands thus granted from taxation. But said ordinance shall provide that all such lands shall be exempt from taxation by said state so long and to such extent as such act of Congress may prescribe. Thirdly, That the bonded debt of the said Territory of Dakota incurred for the erection of public buildings of the



territory situated in said proposed state shall be assumed and paid by the said State of Dakota.

Sec. 5. That in case a constitution and state government shall be formed in compliance with the provisions of this act, said convention forming the same shall provide by ordinance for submitting said constitution to the people of said state for their ratification or rejection, at an election to be held at such time and place and under such regulations as may be prescribed by said convention, at which election the qualified voters of said proposed state shall vote directly for or against said proposed constitution. The returns of said election shall be made to the secretary of the territory, who, with the governor and chief justice, or any two of them, shall canvass the same, and if a majority of the legal votes cast shall be for said constitution, the governor shall certify the result to the President of the United States, together with a copy of said declaration, constitution and ordinances. Whereupon it shall be the duty of the President of the United States, if said declaration, constitution and ordinances shall conform to the requirements of this act, to issue his proclamation declaring the state admitted into the Union on an equal footing with the original states, without any further action whatever on the part of Congress.

Sec. 6. That until the next general census, or until otherwise provided by law, said state shall be entitled to one representative in the House of Representatives of the United States, which representative, together with the governor and other officers provided for in said constitution, shall be elected on a day subsequent to the adoption of the constitution to be fixed by said constitutional convention, and until said state officers are elected and qualified under the provisions of the constitution, the territorial officers shall continue to discharge the duties of the respective offices over the territory within the said proposed state.

Sec. 7. That sections numbered 16 and 36 in every township, and where such sections or any subdivision thereof have been sold or otherwise disposed of by or under the authority of any act of Congress other land equivalent thereto, in legal subdivisions of not more than one-quarter section, and as contiguous as may be to the section in lieu of which the same is taken, are hereby granted to said state for the support of common schools.

Sec. 8. That when the State of Dakota shall be admitted into the Union in accordance with the provisions of this act, fifty entire sections of the unappropriated public lands within said state, to be selected and located by the direction of the Legislature thereof, and with the approval of the President, on or before the 1st day of January, 1886, shall be, and are hereby granted, in legal subdivisions of not less than one-quarter section, to said state, for the purpose of erecting public buildings at the capital of said state for legislative, executive and judicial purposes, in such manner as the Legislature may prescribe.

Sec. 9. That so much of the lands belonging to the United States as have been acquired and set apart for the purpose mentioned in "An act appropriating money for the erection of a penitentiary in the Territory of Dakota," approved March 2, 1881, together with the buildings thereon, be, and the same is, hereby granted, together with any unexpended balances of the moneys appropriated therefor by said act, to said state, for the purposes therein designated.

Sec. 10. That ninety sections of land, to be selected and located as provided in section 8 of this act, are hereby granted to said state for the use and support of an agricultural college in said state. And none of the lands granted by this act, or the proceeds thereof, shall be used for any other purpose than that for which the grant is specifically made whatever.

Sec. 11. That all salt springs within said state, not exceeding twelve in number, with six sections of land adjoining, or as contiguous as may be to each, shall be granted to said state for its use, the said land to be selected by the governor of said state within two years after the admission of said state, and when so selected to be used and disposed of on such terms, conditions and regulations as the Legislature shall direct. And the proceeds thereof shall be used exclusively for the support of the common schools of the state; Provided, That no salt spring or lands, the right whereof is now vested in any individuals, or which hereafter shall be confirmed or adjudged to any individual or individuals, shall by this act be granted to said state.

Sec. 12. That 5 per centum of the proceeds of the sales of public lands lying within said state which shall be sold by the United States subsequent to the admission of said state into the Union, after deducting all the expenses incident to the same, shall be paid to the said state, to be used as a permanent fund for the support of the common schools within said state.

Sec. 13. That all lands herein granted for educational purposes shall be disposed only at public sale, and at a price of not less than \$7 per acre, the proceeds to constitute a permanent school fund, the interest of which only is to be expended in the support of said schools. But said lands may, under such regulations as the Legislature shall prescribe, be leased, for periods of not more than five years, in quantities not exceeding one section to any one person or company.

Sec. 14. That the lands granted to the Territory of Dakota by the act of February 18, 1881, entitled "An act to grant lands to Dakota, Montana, Idaho and Wyoming, for university purposes," so far as the same have been selected and located in that part of said territory embraced in the proposed State of Dakota, shall, under the provisions and limitations of said act, be vested in said state; Provided, That none of said lands shall be sold

for less than \$7 per acre. And such portions of such lands as may be located and located within the bounds of the Territory of North Dakota, as in this act prescribed, shall be vested in said territory, subject also to the limitations of said act of February 18, 1881. And there is hereby granted to said State of Dakota, and to the Territory of Lincoln, so much of the public lands in said state and territory, respectively, selected under said act of February 18, 1881, as will give to each the full amount of seventy-two entire sections, all of which shall be held and used in accordance with the provisions of the act aforesaid. Said lands shall be selected by the state as provided in section 8 of this act, and for the territory as provided in the said act of February 18, 1881. The sections of land granted by the act of June 16, 1880, to the Territory of Dakota for an asylum for the insane shall, upon the admission of the said State of Dakota into the Union, become the property of said state.

Sec. 15. That all mineral lands shall be exempted from the operation and grants of this act; Provided, That if sections 16 and 36, or any subdivision thereof, in any township, shall be found to be mineral lands, or to have been reserved, sold, or otherwise disposed of by the United States, the Legislature of said state is hereby authorized and empowered to select, with the approval of the President, any other unappropriated public lands in said State of Dakota in lieu thereof, for the use and benefit of the common schools of said state.

Sec. 16. That that portion of the Territory of Dakota not embraced within said proposed state, upon the admission of the State of Dakota into the Union shall, until otherwise provided by act of Congress, continue a territory by the name of Lincoln, and all the provisions of the acts of Congress and of the Legislative Assembly of the Territory of Dakota not locally inapplicable shall continue therein in full force and effect. The governor, secretary, chief justice and associate justices, United States marshal and district attorney of the present Territory of Dakota shall exercise their respective offices for said Territory of Lincoln temporarily and until otherwise provided by the Legislative Assembly of said Territory of Lincoln. The governor, secretary and chief justice thereof may divide said territory into judicial districts, and assign the judges thereto, and into twenty council and fifty single representative districts, and apportion the representation therein to which each district shall be entitled in the Legislative Assembly. The bonded debt of the Territory of Dakota, not herein required to be assumed by the State of Dakota, shall be and remain a valid debt against the Territory of Lincoln.

Sec. 17. That temporarily, and until otherwise provided by act of the Legislative Assembly of the Territory of Lincoln, the City of Bismarck shall be the place of holding the sessions of the Legislative Assembly therein, which place shall constitute the capital of said territory until changed by the Legislative Assembly, and the governor shall have power to designate temporarily, and until otherwise provided by law, the places in the judicial districts where the District Court shall exercise the jurisdiction of district and circuit courts of the United States.

Sec. 18. That when the State of Dakota shall be admitted into the Union the laws of the United States not locally inapplicable shall have the same force and effect within the said state as elsewhere within the United States. And said state shall constitute one judicial district to be called the District of Dakota, and for said district, a district judge, a marshal, and a district attorney of the United States, shall be appointed by the President by and with the advice and consent of the Senate, with the same rights, powers, and duties as provided by law for similar officers in other states, except as herein otherwise provided. Said District of Dakota shall be attached to and constitute a part of the Eighth Judicial Circuit, and a term of the Circuit Court and of the District Court for said district shall be held at the seat of government in said state, on the first Tuesdays of May and October in each year, and one grand jury and one petit jury only shall be summoned and serve in both of said courts.

Sec. 19. That the circuit and district courts for the District of Dakota, the judges thereof, respectively, shall possess the same powers and jurisdiction and perform the same duties possessed and required to be performed by the other circuit and district courts and judges of the United States, and shall be governed by the same laws, rules and regulations.

Sec. 20. That the district judge appointed for the District of Dakota shall receive as his compensation the sum of \$3,500 per annum, payable in four equal installments, on the first days of January, April, July and October of each year.

Sec. 21. That the marshal, district attorney and clerk of the circuit and district courts of the said District of Dakota, and all other officers and persons performing duties in the administration of justice therein, shall severally possess the power and perform the duties lawfully possessed and required to be performed by similar officers in other districts of the United States, and shall for the service they may perform receive the fees and compensation allowed to other similar officers and persons performing similar duties by the laws of the United States, excepting such provisions thereof as are specially applicable to some particular officer or district.

Sec. 22. That all cases of writ of error or appeal heretofore prosecuted and now pending in the Supreme Court of the United States upon any record from the Supreme Court of the Territory of Dakota, or that may hereafter be lawfully prosecuted from said court, may be heard and determined by the Supreme Court of the United States, and the mandate of execution or of further proceedings shall be directed by the Supreme Court of the United States to the Circuit or District Court of the Territory of Dakota, or to the Secretary

Court of the State of Dakota, as the nature of the case may require, and each of said last mentioned courts shall, as the case may require, be treated as the successor of the Supreme Court of the Territory of Dakota as to all such cases, with full power to proceed with the same and to award means or final process herein. And that from all judgments or decrees of the Supreme Court of the Territory of Dakota prior to its admission as a state, the parties to such judgment shall have the same right to prosecute appeals and writs of error to the Supreme Court of the United States as they had by law prior to the admission of said state into the Union.

Sec. 23. That in respect to all cases, proceedings, and matters pending in the supreme and district courts of the Territory of Dakota at the time of the admission of the said state into the Union, whereof the circuit or district courts by this act established might have had jurisdiction under the laws of the United States had such courts existed at the time of the commencement of such cases, the said circuit and district courts respectively, shall be the successors of said Supreme and District Court of said territory, and all the files, records, indictments, and proceedings relating thereto shall be transferred to said circuit and district courts, respectively, and the same shall be proceeded with therein in due course of law. Provided, however, That in all civil actions, causes and proceedings, in which the United States is not a party, such transfer shall not be made except upon the written request of one of the parties to such action or proceeding filed in the proper court.

Sec. 24. That the convention herein provided for shall have the power to provide, by ordinance, for the transfer of all actions, proceedings, cases, and matters pending in the supreme or district courts of the Territory of Dakota at the time of the admission of the said State of Dakota into the Union, arising within that part of the said Territory of Dakota herein described as the said proposed new state, and not included within the provisions of the foregoing section, to such courts as shall be established under the constitution to be thus formed. And no indictment, action or proceeding shall abate by reason of any change in the courts, but shall be proceeded with in the state courts according to the laws thereof.

Sec. 25. That the sum of \$20,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, for the defraying of the expenses of the said convention, and for the payment of the members thereof, under the same rules and regulations and at the same rates as are now provided by law for the payment of the Territorial Legislature, Provided, That any money hereby appropriated not necessary for such purposes, shall be covered into the Treasury of the United States.

This bill passed the Senate but no vote was taken in the House. This was the short session of Congress which adjourned March 4, 1885.

#### DAKOTA'S POPULATION IN 1884

Regarding the claim that Dakota's growth in population had been without precedent in the previous settlement of any portion of the United States during the years from and including 1880 to 1883, it is found that in May, 1880, by the federal census, the number of inhabitants was 135,177, and four years later early in 1884, we find the Committee on Territories of the United States Senate, in reporting favorably the foregoing bill, expressed the conviction that the population was, for the whole territory, 350,000; and predicted that by the time Southern Dakota was ready to enter the Union, her population would entitle her to two members of Congress, in other words her population would be over 250,000. The unit of apportionment for members of Congress at that time was one member to each 135,000, or major fraction thereof. The committee had based its estimate of population largely on the number of homestead land entries, a perfectly safe and conservative basis. From the organization of the territory up to 1880, there had been 29,714; and from 1880 to the end of 1883 these had increased to 77,800, an increase of 48,086, or more than 150 per cent. The number of postoffices had more than doubled in these four years, giving Dakota a greater number than Massachusetts or South Carolina.

In the settlement of any portion of the United States we fail to find an instance where population of a permanent character increased as rapidly as that of Dakota Territory during the years mentioned.

The senate committee had selected the name of Lincoln for the new territory to be erected in Northern Dakota. This name was selected from a list that included Pembina, Mandan, Garfield, Jefferson, Ogalallah, Franklin, Hidasta, and Isabella—the latter being the enterprising Queen of Spain, who borrowed funds on her jewels to furnish and complete the equipment of Columbus for his voyage which resulted in the discovery of this American continent.



## THE NAME OF THE STATE

There was a great deal of objection from influential quarters, including societies interested in philological subjects, and from various parts of the Union, to calling Dakota by any other name, and particularly to adding a prefix such as "North" and "South," and the same was true at home in Dakota. Either portion of the territory would have been delighted had the other half proposed or consented to select a new name, and let but one of the states be named "Dakota." This, however, could not have been agreed upon by Dakotans of that time. The southern half claimed the name by virtue of age and long use, and the north division insisted that its grain product had given world-fame to the name "Dakota," and it would retain it if only for a valuable "trade mark" already recognized the world around.

South Dakota, in its substantial and majority opinion, believed that the name of "Pembina" should be taken by the north, and North Dakotans shared in this opinion for some years after that portion of the territory was occupied by a civilized and industrious people. The early Legislatures, in memorializing Congress for a division of the territory, usually recommended Pembina, or some other cognomen, but never North Dakota, for the name, and there was no objection by the northern members, but on the contrary the name was left to their suggestion. All believed that Pembina was as widely known as Dakota, and they knew it was a century or more the elder. Before the Territory of Dakota was organized, the "Pembina country" was the title given to all or nearly all this portion of the Northwest. The Hudson Bay Company knew it as Pembina. The Canadians had no other name for it, and the early explorers of the United States War Department used it in referring to what is now a great part of the Dakotas. Nearly every intelligent person in the United States had heard of "Pembina," and knew where the Pembina region was situated, and that it covered a large area of the wilderness of the Northwest.

Under these circumstances it is somewhat remarkable that the name was not retained for the territory or state, for "Pembina wheat, No. 1, hard," would have been as euphonious as "North Dakota wheat," of the same unapproachable quality, and would have added just as much value to the land, and been a more distinctive commercial asset than "North Dakota," for when one would speak of any Dakota product it became necessary to use the right adjective to indicate in which section it was produced. The Dakota Legislature at one time organized nearly a fourth of the territory into a county and named it "Pembina," and if we have a correct understanding of the location of the Indian tribes, a very small proportion of North Dakota was ever occupied by the Dakota Indians. The Chipewas held all the territory east of James River, and a large part of that west of the James was unoccupied except that held by the Mandans, Rees and Gros Ventres, who were not Dakotas but were undoubtedly the oldest settlers. Lewis and Clark found no Dakotas or Sioux in villages above the Cheyenne. And the reader has observed that the senators and representatives who made any examination of the nomenclature of the Indians in the Northwest favored "Pembina" as the name of Dakota's north state, and Senator Burrows was so wedded to that name and had such an exalted idea of its appropriateness, that he refused to report a bill for a new territorial organization in that region with any other name than "Pembina."

Senator Dawes, of Massachusetts, in December, 1888, presented in the Senate a memorial from the New England Historical and Genealogical Society, giving reasons why the states soon to be admitted, should have more distinctive nomenclature than that furnished by the words "north," "south," "east," or "west," and to accord with the theory upon which the Government had gone heretofore, that our political divisions should not be in any way identified with personality. On this basis the society asked that "North Dakota," when admitted, be called "Pembina," and Washington Territory, "Tacoma."



Other names for South Dakota were: "Minnisese Wakpa," is the Dakota language for "Missouri River"; "Tinta-Maka," "Prairie land"; "Mazatinta," or "Makatinta," the land of the prairie; "Maga-Wakan," God's country; "Maga-tankka," big country; "Wah-ca-tin-ta," the "prairie flower"; "Waz-yata," means "northern"; "okali," means "south," Itokali, "southern."

#### CENTRAL NEW YORK OPINION

In December, 1884, it was known that a democratic President had been elected to succeed President Arthur, and also a democratic House of Representatives, and as Dakota had just passed through a delegate election giving a majority of 25,000 votes for the republican nominee, the prospect for obtaining any favors from the incoming administration was not encouraging. But there was some consolation found in the tone of a portion of the eastern press, which weighed the matter in the scale of justice, demanding that the Dakota question must be settled upon a higher plane than that afforded by political partisanship—that certain inalienable rights had been guaranteed to the citizens of Dakota which Congress could not ignore without the exercise of a tyrannical perversion of liberty, beset with dangers to the free institutions of the Republic if established as a precedent. Such a position was taken by the *Utica, New York, Gazette*, one of the oldest newspapers in Oneida County, and the native county of the writer and compiler of this work, from which he emigrated in 1856. The contribution of the *Gazette* is given as follows:

The vote in the recent election in Dakota establishes conclusively the right of the southern portion of that territory to admission into the sisterhood of states. This journal has joined with other republican papers in insisting that there should be no new states until the population equalled that of a congressional district in other states. By the census of 1880, the total population of Dakota was 137,000, of which at least one-third was located in the northern section of the territory. On that showing the southern section was not entitled to a representative in Congress.

In the interval the growth of Dakota has been more rapid than that of any of the American states at any period, and may fairly be said to be without parallel in the history of civilization. It is possible to approximate this growth on the basis of the recent election statistics. It appears that something less than eighty-five thousand votes were cast for delegate to Congress. The ordinary methods of calculation show this vote to represent a total population of about four hundred and twenty thousand. The number of inhabitants has thus increased three times over what it was four years ago. At the same rate of increase the territory will contain about a million and a quarter souls when the federal census of 1890 is taken. Nineteen of the thirty-seven states had less than a million population in 1880. In other words, Dakota, as she stands today, has an incontestable right to immediate admission into the Union.

But the immense territory included within the limits of Dakota, and the diverse interests that predominate in the northern and southern sections, both point to the expediency of a division, and both sections now claim admission into the Union, each as a full fledged state. The title of South Dakota is clear—North Dakota may with propriety be asked to wait a few years longer. Home estimates put the population of the southern section at 245,000, leaving that of the northern section at 175,000. South Dakota, therefore, has a population larger than that of either Florida, Colorado, Nevada, Oregon, or Delaware, by the ninth census. By 1890, if no interruption occurs in its prosperity, South Dakota will have a population equal to that of more than a third of the states of the Union.

But will a democratic House give due weight to facts and figures we have stated? The republican candidate for delegate to Congress received about fifty-five thousand of the 85,000 votes that were cast at the territorial election. Dakota, as a state, will be as overwhelmingly republican as either Kansas or Iowa. It will fortify the republican majority in the Senate by two senators, at a time when the democrats are calculating upon the early control of that body. If we can judge the democratic House by its predecessors of like politics, Dakota will be kept knocking at the gate as long as the House remains democratic. Or, perhaps, a compromise will be effected, and Dakota admitted to her rights simultaneously with the carving of Texas into four states.

#### CITIZENS' MEMORIAL ASKING FOR CONSTITUTIONAL CONVENTION LAW

On or about the tenth day of the session of the Legislature of 1885, a memorial was presented in the council, signed by a numerous body of citizens, asking for

the enactment of a law calling a constitutional convention for that portion of Dakota south of the 46th parallel, with the view to its admission as a state. The memorial fairly bristled with substantial arguments supporting the ultimate object sought to be accomplished, and is entitled to a place in the territorial history. It is here given in full:

A MEMORIAL OF THE PEOPLE OF THE TERRITORY OF DAKOTA

Your memorialists respectfully represent that the interests of the people of Dakota, material, political and moral; their numbers, area, and resources; their rights under the Constitution; their rights under the guarantees of the Ordinance of 1787; their rights under the treaty with France, of 1803, by which their territory was acquired; and the unanimous wishes of all its people, as evinced by the Legislature of 1881 for a constitutional convention; by the votes of the people of South Dakota at the Huron and Sioux Falls conventions of 1883; and by the resolutions of the democratic and republican conventions of 1884, demand in the strongest terms the division of the territory and the admission of the southern half as a state in the Union.

That the people of Dakota have an undoubted right to proceed to form a state constitution and a state government for South Dakota, and for North Dakota, if the people of that section so desire. That we need no enabling acts of Congress to exercise these rights.

That the recent vote of this territory demonstrates that Dakota has a population of 500,000; larger than two Colorados, five Delawares, three Floridas, twelve Nevadas, two New Hampshires, three Oregons, two Rhode Islands or two Vermonts. It covers a territory of 150,932 square miles, equal to the combined area of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, Ohio and West Virginia, less 1,954 square miles, as will be seen by the following table which gives the area in square miles of each of these states:

Maine, 35,000; Connecticut, 4,750; Ohio, 39,964; New Hampshire, 9,290; Massachusetts, 7,800; Vermont, 10,212; Rhode Island, 1,306; New Jersey, 8,320; Delaware, 2,120; West Virginia, 23,000; Maryland, 11,124. Total, 152,885. Dakota, alone, 150,932.

Or Dakota equals in area the combined States of New York, with 47,000 square miles; Pennsylvania, 46,000; Ohio, 39,964; Maryland, 11,124; Massachusetts, 7,800. Total, 151,888. Dakota, 150,932, less than the five great states, only 956 square miles.

Dakota equals in area the combined areas of Illinois, 55,410; Indiana, 33,809; Michigan, 56,451; Connecticut, 4,750; Kansas and Nebraska combined, the former, 81,318, and the latter, 75,996, were larger by 6,381 square miles.

As a territory it pays more internal revenue tax than either Delaware, Florida, Nevada, or Vermont, and more postoffice revenue than thirteen of the states, to wit: New Hampshire, \$337,000; Rhode Island, \$177,000; Delaware, \$177,000; West Virginia, \$177,000; North Carolina, \$170,000; South Carolina, \$170,000; Florida, \$170,000; Alabama, \$170,000; Mississippi, \$170,000; Arkansas, \$151,000; Oregon, \$151,000; Nevada, \$151,000; District of Columbia, \$283,050. Dakota, \$367,000, and has more banks and bank capital than five states.

Therefore it is demonstrated beyond contradiction that we have the territory, the population and the resources, to entitle us to two states.

We have the right to form a state government without the permission of Congress. This is demonstrated by the precedents of thirteen states, to wit: Vermont, Kentucky, Tennessee, Maine, Michigan, Arkansas, Florida, Iowa, Wisconsin, California, Kansas, Oregon, Nevada. Congress justified all these states by admitting them, under their constitutions formed without its permission. It admitted most of them without a struggle. It made a struggle with Kansas, and refused her admission, and the political party which perpetrated this outrage, as a consequence, was hurled from power for twenty-four years. That party has but just regained power. Do you think it will desire to go out of power again upon such another struggle?

Let Dakota stand upon her rights, and assert them, and act upon them. Let her go to Congress no longer as a supplicant or petitioner, but as a body of American citizens to their servants, and demand her rights. Let her say to the party in power in Congress, in the words of the United States Supreme Court, in the case of Dred Scott vs. Stanford: "You have no power to hold this people as a territory permanently, but you are bound to admit us as soon as our population and situation entitle us to admission."

If you refuse us admission we will go to the people of the United States on that question, and turn you out of power. That is the language for a free people, who are American citizens and have rights guaranteed by treaty and compact, which are irreversible without our consent.

This right to frame a state constitution and state government for ourselves has been affirmed by the Congress of the United States, by the Supreme Court of Michigan, by the Supreme Court of the United States, by the most eminent statesmen and lawyers of America. Among these are George Washington, Andrew Jackson, John Quincy Adams, Zachary Taylor, James Buchanan, Thomas Morris, Thomas L. Harmer.

The State of Michigan put the doctrine of the right of the people of a territory to form a state government without permission of Congress, whenever they had the population and

territory to support a state government, and the people willed it, into practical operation to its fullest extent. They convoked a constitutional convention, adopted a constitution, elected state officers, and inaugurated a state government without any enabling act of Congress. Their Legislature enacted laws, their courts exercised jurisdiction, their people paid state taxes. And the Supreme Court of Michigan adjudged all these acts to be legal and valid. And the Supreme Court of the United States confirmed this decision by declaring the subject to be beyond their powers. Congress decided in favor of Michigan's action and endorsed the doctrine of its courts by a vote of 153 ayes to 45 nays in the House, and 24 ayes to 18 nays in the Senate.

Afterwards, Iowa, Florida, California and Wisconsin were admitted upon the same doctrine, under constitutions formed without an enabling act, without a struggle. So that Congress has re-affirmed the Michigan doctrine five times since its first decision.

The Ordinance of 1787 was extended over Dakota by four successive acts of Congress— that of June 28, 1834, of April 20, 1826, of May 31, 1838, and of March 3, 1849. The Supreme Court of Michigan decided that that ordinance was a compact with the people of a territory who settled it under the pledges of the ordinance, and that this compact was irreversible without the consent of the people of the territory. The Supreme Court of the United States, in the case of *Cooper vs. Roberts*, 18 Howard 340, also decided that that contract was irreversible without the consent of the people of the territory. The ordinance itself reads as follows:

"The following articles shall be considered as articles of compact between the original states and the people and states in said territory, and forever remain unalterable, unless by common consent."

The act of Congress of 1836, April 29, is as follows:

"The inhabitants of the said territory (Wisconsin, then including Wisconsin, Minnesota and Dakota), shall be entitled to, and enjoy, all and singular, the rights, privileges and advantages guaranteed and secured to the people of the territory of the United States north-west of the River Ohio, by the articles of compact contained in the ordinance for the government of the said territory, passed on the 13th day of July, 1787. And the said inhabitants shall also be entitled to all the rights, privileges and immunities heretofore granted and secured to the State of Michigan, and to its inhabitants."

Now, one of these rights was, "that whenever one of the states (meaning any state formed out of that territory), shall have 60,000 free inhabitants therein, such states shall be admitted by its delegates into the Congress of the United States on an equal footing with the original states in all respects forever, and shall be at liberty to form a permanent constitution and state government." See Ordinance, 1787, I, Statutes at Large, page 52.

Therefore we claim that that part of Dakota south of the 46th parallel with over three hundred and fifty thousand inhabitants, and over eighty thousand square miles of area, has the same right that Michigan had to frame its constitution and state government.

We therefore respectfully memorialize your honorable body, to pass at this session an act convening a constitutional convention, and convening it to meet as soon as practicable hereafter, for the purpose of framing a constitution and state government for the people of Dakota, south of the 46th parallel. We ask for this action on the part of the Legislature,

- 1st. Because it is the legal right of the people of Dakota.
- 2d. It is the most practical means of securing the opening of the Sioux Reservation.
- 3d. It will give the people the sovereign control over their railroads and power which they do not possess to correct the evils under which they labor.
- 4th. It will stimulate all branches of trade and business, and enhance the values of property.
- 5th. It will give the people the power to limit and control their state and municipal indebtedness.
- 6th. It will give the people the benefit of their school lands, and in that much reduce taxation.
- 7th. It will settle the capital question and leave the people of South Dakota the right to select their own capital.
- 8th. It will secure to the people the rights of all American citizens to regulate and control their own domestic affairs.
- 9th. It will put an end to an unauthorized and usurping colonial dependency, which by right should have ceased long ago, and to the exercise of a power which the Supreme Court of the United States has declared has ever been jealously guarded by the American people, as contrary to the genius and spirit of our free institutions.

This memorial was followed by the introduction of a bill by Councilman Washabaugh, of Lawrence County, to authorize and provide for holding a constitutional convention for that part of the Territory of Dakota lying south of the 46th parallel of north latitude, for the purpose of framing a state constitution. The convention was appointed to be held in the City of Sioux Falls on the 20th of the following September, to be composed of 111 delegates or one delegate to each 500 votes cast at the election in 1884. An appropriation was provided for



to defray the expenses of the convention, to be paid in the next instance by the territory, but the counties comprising the southern half were to pay a special tax for the purpose of reimbursing the territory. The provisions of the bill were similar to the one passed by the Legislature of 1883, which was signed or pocketed by Governor Ordway. The preamble of the bill recited that:

Whereas, Experience has abundantly demonstrated that the welfare of the people is promoted by the establishment among them of a permanent government, sovereign in character and republican in form; and

Whereas, The territorial system of government has no stability, is temporary in character, possesses no sovereign powers, and meets neither the requirements of the people nor, in the case of Dakota, the rapidly increasing demands of its varied and growing interests; and,

Whereas, It has ever been and still remains the wise policy of the parent Government to foster and encourage the development and settlement of the territories until such time as their population shall be sufficiently numerous to enable them to become self-sustaining and become a part of the United States on an equal footing with the states which compose the Union; and,

Whereas, That part of the Territory of Dakota south of the 46th parallel of north latitude now contains a population sufficient to entitle it to admission into the Union, and such population now being desirous of being fully enfranchised and of enjoying all the privileges of American citizenship; and,

Whereas, Public opinion in the United States has decided, and the Congress of the United States, by their action upon the bill for the admission of such part of Dakota into the Union, has admitted that that portion of Dakota south of the 46th parallel does possess the requisite population and all other qualifications necessary to entitle it to admission into the Union as a state; therefore,

Be it enacted by the Legislative Assembly of the Territory of Dakota:

Section 1. That for the purpose of enabling the people of that part of Dakota south of the 46th parallel to organize and form a state government and make application for admission into the Union of States, a delegate convention is hereby called to meet at the City of Sioux Falls, in the County of Minnehaha, in said Territory of Dakota, on Tuesday, the 29th day of September, A. D. 1885, at 12 o'clock, meridian, for the purpose of framing a constitution, republican in form, and performing all other things essential to the preparation of the territory for making application to the general Government for the admission of such part of Dakota into the Union of States.

The election of delegates to said convention will be held on the 1st day of September, 1885.

The said convention shall be composed of 111 delegates, who shall be apportioned among the several counties of that part of the territory south of the 46th parallel as follows:

Name of County.	No. of Del.	Name of County.	No. of Del.
Aurora .....	2	McPherson .....	1
Ben Homme .....	3	Beadle .....	5
Buffalo .....	1	Brinkley .....	3
Brule .....	3	Brown .....	4
Campbell .....	1	Turner .....	4
Charles Mix .....	1	Walworth .....	1
Clay .....	2	Mundy .....	2
Custer .....	1	Potter .....	1
Day .....	2	Sinkhorn .....	2
Douglas .....	2	Sully .....	2
Fall River .....	1	Teton .....	3
Lawrence .....	8	Yankton .....	4
McCluck .....	2	Butte .....	1
Miner .....	2	Clark .....	2
Minnehaha .....	6	Codington .....	2
Pennington .....	2	Dawson .....	2
Roberts .....	1	Deuel .....	1
Spink .....	6	Edmunds .....	1
Grant .....	2	Farrell .....	1
Hand .....	3	Hamlin .....	1
Hughes .....	3	Harrison .....	2
Huile .....	1	Hutchinson .....	3
Kingsbury .....	2	Jerrild .....	2
Lake .....	2		
Lincoln .....	2	Total .....	111

Provided, That all organized counties in the territory south of the 46th parallel at the time the election hereinafter provided for is held, elect members to said convention, and



which counties are not above named, shall be entitled to one delegate, who shall be given a seat and have a vote in said convention as other members thereof, and said delegates shall be in addition to the 111 heretofore provided for.

Sec. 3. An election for the purpose of choosing said delegates is hereby appointed to be held on the 30th day of June (Tuesday), 1885, at which time the delegates to the said constitutional convention shall be chosen. Said election shall be conducted in all respects as elections under the general laws of this territory, and the several county clerks of the several counties of the territory are hereby required to issue notice of such election at least twenty days prior thereto, stating the object of such election and the number and character of the officers to be chosen, and shall deliver the same to the sheriff, who is required to post the same as the law now requires. And the several boards of county commissioners are required to establish precincts for such election, and to appoint polling places, and judges of such election, and to do and perform all things that are now required of them by law in the case of general elections. And the canvass and return of the votes shall be as now required by law for county officers. And it is hereby made the duty of the several county clerks to issue certificates of election to all persons who shall be declared elected. Provided, That the persons receiving the highest number of votes at such election shall be elected as such delegates. It shall be the further duty of such county clerks, within ten days after such election, to certify to the secretary of the territory the names of all persons chosen as such delegates from their respective counties, and to transmit the same to said secretary by mail.

Sec. 4. The secretary of the territory shall receive all certificates so transmitted to him by the several county clerks, and shall preserve the same, and it is hereby made his duty to enter the names of all persons so certified to him as such delegates in a book which he shall provide for that purpose.

Sec. 5. The delegates so elected at such election shall meet at the time and place appointed by the act, and in such room as the secretary of the territory, or the convention, has provided, and at the hour heretofore named. The secretary of the territory, or some member-elect of said convention, shall call the convention to order, and shall call the roll of the members from the book heretofore provided, if such book can be obtained, and if not, from the official returns of said election, and the certificate of election of each member, in such manner as the convention shall prescribe, and the several delegates, as their names are called, shall take their seats in said convention. When the calling of the roll of members shall be completed the several delegates shall be required to take and subscribe an oath to support the Constitution of the United States, and to faithfully and impartially discharge their duties as delegates to said convention. Said oath may be administered by said secretary or by any judicial officer of the territory. The convention shall then proceed to organize by the election of a president, who shall be chosen from among the delegates, and the other officers herein provided for. Said convention shall adopt such rules and regulations for their government as are provided in the case of legislative bodies. It may adjourn from time to time, and shall be the sole judge of the election and qualification of its members. The president and all officers of said convention shall take and subscribe an oath to faithfully and impartially discharge the duties of their respective offices.

Sec. 6. Said convention, after its organization, shall proceed to draft a constitution for that portion of Dakota south of the 46th parallel, republican in form, in which shall be defined the boundaries of the proposed state south of the 46th parallel. It shall be the further duty of said convention to provide for an election by the people of the proposed state, at which election the said constitution shall be submitted to the people for ratification, and at which election the state officers, members of Congress, members of the Legislature, and all other officers provided for in said constitution, shall be elected. And the said convention shall have power to provide all necessary means for holding said election, and for reassembling said Legislature when elected, and for carrying into effect all the purposes of said constitution. Provided, That the expenses of all special elections under the provisions of this act, and of any ordinance of said convention, shall be paid by each county in that part of said Territory of Dakota south of the 46th parallel, respectively, in the manner hereinafter provided.

Sec. 7. The delegates to the said constitutional convention shall each receive a per diem of two dollars and fifty cents (\$2.50) for each day's attendance upon said convention, and 5 cents per mile for each mile necessarily traveled in going to and returning from said convention, said per diem and mileage to be paid by the territorial treasurer upon the warrant of the territorial auditor.

Sec. 8. The territorial auditor is hereby authorized to audit and allow the accounts of the several delegates to said convention, upon certificates of the presiding officer of said convention, countersigned by the secretary thereof.

Sec. 9. Said convention shall have power to elect a secretary, assistant secretary employ stenographers, a chaplain, sergeant-at-arms, messengers and clerks, and janitor, each of whom shall receive such compensation as the said convention shall determine, to be audited and paid in the same manner as the accounts of the members of said convention are audited and paid; Provided, That said convention, before its adjournment, shall ascertain the entire expense of holding the same, including the per diem and mileage of its members, compensation of its officers, and all necessary expenses, and shall certify the

same under the land of the preceding tract of public land, and the same shall be filed by said secretary of the territory in his office and be kept as a record thereof. And it is hereby made the duty of the several boards of county commissioners of the counties named herein or represented in said convention to cause to be levied and collected, in the same manner as other taxes are levied and collected, a special tax sufficient to pay all of said expenses, which tax shall be apportioned among the said counties in proportion to the assessed valuation. And when said tax is collected in each of said counties, the same shall be paid by said counties into the territorial treasury. Provided, That in case of the division of the Territory of Dakota, or the admission of the southern half as a state before the collection and payment of said tax into the territorial treasury as herein provided, then the treasurer of said state or territory formed from that portion of Dakota south of the 46th parallel, as the case may be, shall pay over to the Territory of North Dakota such proportion of said moneys as the assessed valuation of the property in North Dakota bears to the assessed valuation of property in South Dakota, in said new state or territory.

Sec. 10. The laws now in force governing elections, and the canvass and return of the votes cast therein, and the qualifications of voters, shall govern in any election that may be held under this act or under any ordinance of said convention. But said convention shall designate the board of state canvassers, and ordain the method by which the result of the state election shall be promulgated. The said convention shall also provide the manner of presenting the said constitution to the Congress of the United States, and do and ordain all things necessary to be done for the purpose of carrying into effect the government of the state, as soon as it shall be admitted into the Union of States.

Sec. 11. That the members of said convention shall not receive pay for a session of more than thirty days, but said convention may sit for a longer period, and may adjourn from time to time.

Sec. 12. That for the purpose of defraying the expenses of said convention, there is hereby appropriated out of any money in the territorial treasury now or hereafter accumulated a sum sufficient to defray the expenses of said convention, not to exceed in the aggregate \$20,000.

Sec. 13. This act shall take effect after its passage and approval.

Approved March 9, 1885.

This constitutional convention bill was the most important measure introduced at this session. The constitution framed under it was, after waiting a period of four years, adopted a second time by a vote of the people, and under it South Dakota was admitted to the Union.

As the time drew near for holding the election for delegates to the convention, June 30th, the democratic territorial committee and the democratic committees of several counties, issued formal notice that the democrats would not participate in this election. It was claimed at the time that the democrats who took this position were influenced by the change in the national administration, and desired the territorial condition to continue, now that they were assured of democratic territorial officials, and further that the democratic sentiment in Congress was opposed to statehood for Dakota if the division of the territory was insisted upon.

When the day of election came, it was strikingly manifest that the feeling in favor of the state movement among a portion of the democratic party had grown lukewarm, a light vote at all precincts being the rule, but the vote that was cast exhibited an encouraging majority for the state. One feature of the law, designed with the best motive, required the various counties of the proposed state to levy a special tax to defray the expense of the election and convention, in order that the northern counties might not be chargeable for it, and this provision, not being fairly interpreted, operated to reduce the vote and actually prevented the holding of an election in a very few counties. Then again it was claimed that the election was held at a season when the farmers were busy, the polling places were inconveniently located, hence the agriculturally employed only partially participated. And possibly the most serious hindrance to getting a larger vote was the very prevalent opinion that the election was largely for "laurels," that word Congress authorized the movement nothing of importance could be gained, hence there was nothing to be derived by holding the election or convention. This view was quite generally held, even among those who favored the proceedings for a constitutional convention, these latter being encouraged by the belief that Congress would be influenced to early favorable action when confronted with the

earnest desire of the people for statehood as expressed in a state constitution voluntarily and lawfully constructed, and all the expenses of the movement defrayed from the purses of the people to be benefitted by it. And there is no question that this influence was felt and acknowledged by Congress, the best evidence of which is furnished in the action of Congress later when it finally decided to admit the state in accordance with the wishes of the people. The constitution framed by this convention was accepted by the Congress without material change, an election authorized for the purpose of voting upon its adoption (though this had been already done, but without the authority of the parent government), and to "make a long story short," as the saying is, South Dakota, as a state is today governed by the constitution framed, under so many doubts and drawbacks, at Sioux Falls, in 1885.

The convention assembled at 12 o'clock M., Tuesday, September 8, 1885, at Germania Hall, Sioux Falls. Seventy-two delegates out of the 102 composing the entire body were present, and was called to order by Secretary of the Territory James H. Teller, as provided by law, who proceeded to call the roll of members elected, as follows:

Aurora County: H. F. Fellows, Matt. A. Ryan. Beadle: J. H. More, J. K. P. McCallum, F. F. B. Coffin, S. C. Weatherwax, J. M. Baker. Bon Homme: Geo. W. Snow, Robert Dollard, Daniel Wilcox. Brookings: Miles White, Warren M. Wright, R. C. Walton. Brown: J. D. Mason, C. J. C. McLeod, George R. Laybourne, J. T. Dow. Brule: A. G. Kellam, C. J. Maynard, C. M. Gregory. Buffalo: Robert J. Brown. Butte: H. J. Grant. Campbell: Frank Alexander. Charles Mix: Thomas Edes. Clark: John E. Bennett, R. A. Proudfoot. Codington: S. G. Updyke, I. M. Westfall. Clay: John M. Cleland, J. M. Schultz. Custer: Stephen M. Booth. Deuel: Charles S. Lowe. Edmunds: S. H. Cranmer. Faulk: E. M. Jessup. Grant: Henry Neill, N. I. Lothian. Hamlin: C. E. Andrus. Hand: L. W. Lansing, H. M. Smith, M. E. Williams. Hanson: W. H. Murphy, Isaac Gray, Sr. Hughes: James A. Ward, Samuel Miller, William A. Lichtenwallner. Hutchinson: David Bellon, C. Buechler, William Harding. Hyde: George C. Crose. Jerauld: S. H. Huntley, Albert Gunderson. Kingsbury: John A. Owen, H. H. Sheets. Lake: George L. Wright, Wm. McGrath. Lawrence: G. C. Moody, D. Corson, Kirk G. Phillips, Frank C. Ayers, W. H. Parker, John Johnson, Leo H. Weeden, Alpheus F. Frank. Lincoln: J. W. Taylor, Jeremiah Gehon. McPherson: Frank Gault, Sr. McCook: T. H. Conniff, W. H. Goddard. Miner: Stephen A. Jones, John H. Patten. Minnehaha: W. W. Brookings, E. P. Beebe, A. J. Berdahl, C. S. Gifford, J. B. Goddard, E. T. Oaks. Pennington: J. W. Fowler, Alexander Mitchell. Potter: Willis C. Stone. Roberts: W. G. Ashton. Sanborn: Robert Dott, Theodore D. Kamouse. Spink: J. B. Churchill, F. I. Fisher, C. H. Meyers, G. C. Britton, George Boyer, F. H. Craig. Sully: H. F. Pendleton, C. M. Reed. Turner: A. Haines, Joseph Allen, M. C. Tychsen, R. C. Tousley. Union: John Dahl, J. P. Kendall, H. H. Blair. Walworth: B. B. Potter. Yankton: A. J. Edgerton, Joseph Ward, J. R. Hanson, H. J. Campbell.

It had been practically agreed to make Judge A. J. Edgerton chairman of the convention. Hon. G. C. Moody, of Deadwood, had been urged to be a candidate, but he refused to permit the use of his name. He would be of more service on the floor.

The counties of Day, Davison, Douglas, Fall River and Moody had held no elections, which reduced the number of delegates from 111 to 102. There were forty-two counties represented out of forty-seven organized. At the completion of the first roll call, with Secretary Teller presiding, Chief Justice Edgerton was elected president of the convention, and upon assuming the chair delivered the following brief address:

Gentlemen, I return to you my sincere thanks for this expression of your confidence. This distinguished honor is unexpected and unsought, and I might add, undesired. To be a member of a convention called to form the organic law of a great commonwealth is a distinguished honor. To be selected to preside over its deliberations requires a peculiar training and experience which I do not claim, and I am constrained to accept the place only in consideration of the manner in which it was bestowed, and the further fact that the personnel of this body assures me that in the discharge of the trying duties imposed I shall receive your kind indulgence.

We have met here under peculiar circumstances. Congress has passed no enabling act. The Legislature of this territory, last winter authorized delegates elect from Southern Dakota to meet for the purpose of forming a constitution, republican in form, and in performing all



other things essential to the preparation of the territory for making application to the general Government for the admission of such part of Dakota into the Union of states. The territory has about 150,000 square miles, and if divided on the proposed line, each portion will have about 75,000 square miles or thereabouts. Our growth has been phenomenal in products, in wealth, in population. The number of inhabitants in the territory is now 415,664, as ascertained by the recent census, of which North Dakota has 152,199, and South Dakota, 243,465.

This portion of Dakota has today a greater population than any territory ever admitted into the Union. It has greater wealth and pays annually more taxes. It has more organized and equipped public institutions than any other territory ever had since the formation of the government. Under such circumstances is it not reasonable that our people should desire admission? Our duty here under the circumstances may be a delicate one, but it is nevertheless a plain one, and requiring knowledge, judgment, and patriotism in its performance. Our deliberations should, as I have no doubt they will, be characterized by the utmost prudence and discretion.

It is said by some that our acts here will be useless from the fact that our enemies will never consent to division and admission. The men who thus prophesy must cruelly judge, as I think, the foremost statesmen of the nation. I have that confidence in the patriotism, the justice and the sound judgment which have generally characterized the public acts of these leaders, which induces me to believe that they will act wisely when the question is fully presented. But whatever may be the determination of the President and the Congress of the United States, whether in accord with the wishes of our people and the best interests of the nation or otherwise, we shall acquiesce obediently, although if the decision be against us, reluctantly.

Let us bring to the discharge of our duties here all the light which experience can furnish us and all the judgment and wisdom which nature and education have endowed us with. Possibly in the future, when this commonwealth has grown to be great and to be one of the leading states of the Union, standing abreast of her sister states on the east and south, it may not be said of us as it frequently is of the framers of their constitutions, that they builded better than they knew, but it is sufficient to fill the measure of a good man's ambition to feel assured that those who come after should be able to say, "they builded as well as they knew."

The convention then elected John Cain, of Huron, secretary and A. B. Avery, of Sioux Falls, assistant secretary. M. B. Kent, of Union County, was elected sergeant-at-arms.

At this point, Henry Neill, from the Grant County delegation, arose and presented the following preamble and resolution, to-wit:

Whereas, The Sixteenth Legislative Assembly of the Territory of Dakota assumed the right to authorize the calling of a constitutional convention for that portion of the territory south of the 46th parallel, a movement which ought to have its origin from the people themselves of that portion of the territory affected thereby, and

Whereas, It is not the desire of the people of this territory that the same should be divided and said portion admitted separately to statehood, but that they desire admission as a whole, therefore be it

Resolved, That this convention do now adjourn, sine die.

The resolution was laid on the table by a vote of 59 to 12, the following members supporting it or voting against laying it on the table, namely: Messrs. Andrus, of Hamlin County; Crammer, of Edmunds County; Dow, Mason, McLeod and Laybourne, of Brown County; Gault, of McPherson County; Lewthian and Neill, of Grant County; Potter, of Walworth; Tousley, of Lincoln; and Westfall, of Codington. The claim was made by a portion of those who opposed tabling the resolutions, that their purpose was to get the subject before the convention for discussion in order to learn the reasons for the opposition of the anti-divisionists.

A committee was appointed on rules and order of business, and the employment of additional officers, consisting of Judge Moody, of Lawrence County; T. D. Kanouse, of Sanborn; W. W. Brookings, of Minnehaha; H. J. Campbell, of Yankton; and Henry Neill, of Grant. This committee was made up of a member from each faction supposed to be represented, to-wit: Kanouse, prohibitionist; Campbell, ultra state rights; Neill, favor of one state for all Dakota; Moody, for division and admission without entangling alliances, with Brookings on the same platform. The convention adjourned after the appointment



of this committee until 10 o'clock the next day, when the thirty absent members were expected to be present.

The convention assembled the second day at 9 o'clock A. M., and was opened with prayer by Rev. A. Jamieson. The number of delegates present was eighty-six. Judge G. C. Moody, from the Committee on Rules and Order of Business reported as follows. We give a synopsis containing the substance:

The rules provided that a majority should constitute a quorum.

That a daily journal shall be kept and published in pamphlet form.

Ten members may demand the yeas and nays.

Two-thirds may expel a member.

No outsiders except newspaper reporters shall be admitted within the bar except by invitation.

No smoking allowed.

Every member shall vote unless excused.

One-third of the members present may demand a call of the House.

Jefferson's Manual of Parliamentary Practice adopted.

Salary of secretary and assistant, \$5 per day each. Engrossing and enrolling clerk, \$4 per day. Sergeant-at-arms, \$3. Doorkeeper and janitor, \$2.50 each. Two messengers, \$2 each. Four stenographers, same pay as for court services, but only one transcript to be paid for.

Expenses of the convention to be audited by the committee, approved by the president and submitted to the convention for final action.

Thirty-four standing committees provided for.

The report was adopted.

The president desiring further time to make up the list of committees a recess was taken until 4 o'clock P. M., at which time the body convened and the president announced the appointment of the following standing committees:

Judiciary—Moody, of Lawrence County; Kellam, of Brule; Campbell, of Yankton; Brookings, of Minnehaha; Dollard, of Bon Homme; Lichtenwallner, of Hughes; McCallum, of Beadle; Taylor, of Lincoln; Corson, of Lawrence; Haines, of Turner; Owen, of Kingsbury; Wright, of Brookings; Fowler, of Pennington.

Executive and Administrative—Kellam, of Brule; Weeden, of Lawrence; Ryan, of Aurora; Walton, of Brookings; Grant, of Butte; Gault, of McPherson; Mason, of Brown.

Legislative—Kanouse, of Sanborn County; Hanson, of Yankton; Jones, of Miner; Lowthian, of Grant; Snow, of Bon Homme; Maynard, of Brule; Grant, of Butte.

Education and School Lands—More, of Beadle; Ward, of Yankton; Updyke, of Codington; Owen, of Kingsbury; Phillips, of Lawrence; McLeod, of Brown; Miller, of Hughes; Myers, of Spink; Haines, of Turner.

Congressional and Legislative Apportionment—Dollard, of Bon Homme; Fisher, of Spink; Frank, of Lawrence; Baker, of Beadle; Wright, of Brookings; Mason, of Brown; Gregory, of Brule; Booth, of Custer; Lowe, of Deuel; Lichtenwallner, of Hughes; Tousley, of Turner; Goddard, of Minnehaha; Schultz, of Clay.

Seal of State, Coat of Arms and Design of Same—Cleland, of Clay; Ward, of Yankton; McCallum, of Beadle; Blair, of Union; Miller, of Hughes; Westfall, of Codington; Gray, of Hanson.

Printing—Neill, of Grant; Gunderson, of Jerauld; Tousley, of Turner; Cranmer, of Edmunds; Jessup, of Faulk.

Bill of Rights—Owen, of Kingsbury; Moore, of Beadle; Craig, of Spink; Gifford, of Lincoln; Goddard, of Minnesota.

Election and Rights of Suffrage—Westfall, of Codington; Dow, of Brown; McCallum, of Beadle; Ward, of Hughes; Parker, of Lawrence; Campbell, of Yankton; Lansing, of Hand.

Name, Boundaries and Seat of Government of State—Frank, of Lawrence; Patten, of Miner; Fisher, of Spink; Blair, of Union; Reed, of Sully; Goddard, of Grant; Murphy, of Hanson.

Federal Relations—Fowler, of Pennington; Ashton, of Roberts; Andrus, of Hamlin; Baker, of Beadle; Bellou, of Hutchinson.

Municipal Corporations—Wright, of Brookings; Buschler, of Hutchinson; **Murphy, of Hanson; Tychsen, of Turner; Bebee, of Minnehaha.**

Corporations other than Banking or Municipal—Ward, of Hughes; Brookings, of Minnehaha; Britton, of Spink; Hanson, of Yankton; Jessup, of Faulk; Lansing, of Hand; Laybourne, of Brown; Conant, of McCook; Ellis, of Charles Mix; Ryan, of Aurora; Gehon, of Lincoln; Gray, of Hanson; Gault, of McPherson.

County and Township Organization—Allen, of Turner; Coffin, of Beadle; Berdahl, of Minnehaha; Brown, of Buffalo; Buschler, of Hutchinson; Churchill, of Spink; **Croze, of Hyde.**

State, County and Municipal Indebtedness—Carson, of Lawrence; Tychsen, of Turner; Andrus, of Hamlin; Baker, of Beadle; Bebee, of Minnehaha; Bellou, of Hutchinson; Churchill, of Spink; Cranmer, of Edmunds; Dow, of Brown.

Revenue and Finance—Reed, of Sully; Allen, of Turner; Churchill, of Spink; Croze, of Hyde; Goddard, of Minnehaha; Potter, of Walworth; White, of Brookings.

Public Accounts and Expenditures—Williams, of Hand; Huntley, of Jerauld; Kendall, of Union; Laybourne, of Brown; Maynard, of Brule; Oakes, of Minnehaha; **Ryan, of Aurora.**

State Institutions and Public Buildings, including Penitentiaries and other Reformatory Institutions—Fisher, of Spink; McLeod, of Brown; Walton, of Brookings; Ward, of Yankton; Oakes, of Minnehaha; Cleland, of Clay; **Fellows, of Aurora; Wright, of Lake; Kanouse, of Sanborn.**

Mines, Mining and Water Rights—Booth, of Custer; Hanson, of Yankton; Gifford, of Lincoln; Frank, of Lawrence; Grant, of Butte; Fowler, of Pennington; **Phillips, of Lawrence.**

Roads, Bridges and other Internal Improvements—Blair, of Union; Craig, of Spink; Weeden, of Lawrence; Pendleton, of Sully; Patten, of Miner; **Weatherwax, of Beadle; Croze, of Hyde.**

Exemptions, Real and Personal—Bellou, of Hutchinson; Allen, of Turner; Craig, of Spink; Dahl, of Union; Ellis, of Charles Mix; Gehon, of Lincoln; **Gray, of Hanson; Gunderson, of Jerauld; Wright, of Lake.**

Rights of Married Women—Coffin, of Beadle; Gault, of McPherson; Fellows, of Aurora; Westfall, of Codington; Hanes, of Turner; Goddard, of Minnehaha; **Cranmer, of Edmunds.**

Military Affairs—Taylor, of Lincoln; Weatherwax, of Beadle; Tousley, of Turner; Huntley, of Jerauld; Jones, of Miner; Sheets, of Kingsbury; Buschler, of Hutchinson.

Banking and Currency—Bebee, of Minnehaha; Jessup, of Faulk; Andrus, of Hamlin; Goddard, of McCook; Stone, of Potter; Cranmer, of Edmunds; **Alexander, of Campbell.**

Amendments and Revision of the Constitution—Dow, of Brown; Corson, of Lawrence; Ashton, of Roberts; Britton, of Spink; Reed, of Sully; Stone, of Potter; Gifford, of Lincoln.

Schedule—Campbell, of Yankton; Kellam, of Brule; Dollard, of Bon Homme; Ward, of Hughes; Booth, of Custer; Kanouse, of Sanborn; Wall, of Grant; Lansing, of Hand; Patten, of Miner; Coffin, of Beadle; Huntley, of Jerauld; Conniff, of McCook; McGrath, of Lake.

Miscellaneous Subjects—Alexander, of Campbell; White, of Minnehaha; Mason, of Brown; Brown, of Buffalo; Ellis, of Charles Mix; Schmidt, of Clay; **Gunderson, of Jerauld.**

Compensation of Public Officers—Brookings, of Minnehaha; Snow, of Bon Homme; Laybourne, of Brown; Phillips, of Lawrence; Taylor, of Lincoln; Cleveland, of Clay; Lowthian, of Grant.

Arrangement and Phraseology of the Constitution—Ward, of Yankton; Moody, of Lawrence; Moore, of Beadle; Lichtenwallner, of Hughes; Meyers, of Spink; Neill, of Grant; Walton, of Brookings; Williams, of Hand; Wright, of Lake.

Manufactures and Agriculture—Myers, of Spink; Gregory, of Brule; Brown, of Buffalo; Kendall, of Union; Conniff, of Minnehaha; Sytone, of Potter; Pendleton, of Sully; Snow, of Bon Homme.

Ingrossment and Enrollment—Potter, of Walworth; Pendleton, of Sully; Sheets, of Kingsbury; Dahl, of Union; McGrath, of Lake.

Expenses and Disbursements of this Convention—Fellows, of Aurora; Murphy, of Hanson; Snow, of Bon Homme; Weatherwax, of Beadle; Gregory, of Brule.

Preamble—Updyke, of Codington; Parker, of Lawrence; Berdahl, of Minnehaha; Williams, of Hand; Britten, of Spink.

John A. Owen, of Kingsbury County, arose and said he had not discovered in the list of committees, any for the consideration of matters pertaining to prohibition, unless it might be the Committee on Miscellaneous Subjects, and the matter was too important to be thus treated. He therefore introduced a resolution providing for a committee of nine on prohibition, to be appointed by the chair, to whom all resolutions and petitions upon the subject should be referred.

Mr. Owen's resolution was unanimously adopted.

Mr. Owen then introduced the resolution following pursuant to direction of the Kingsbury County Temperance Union:

Resolved, That no person or corporation shall manufacture for sale any intoxicating liquor, or shall keep for sale such liquor as a beverage. The Legislature shall by law, prescribe regulations for the enforcement of the provisions of this section, and provide suitable penalties for the violation thereof.

The resolution was referred to the Committee on Prohibition, which was appointed by the president consisting of Owen, of Kingsbury; Goddard, of Minnehaha; Moore, of Beadle; Jessup, of Faulk; Walton, of Brookings; Dow, of Brown; Lichtenwallner, of Hughes; Phillips, of Lawrence; Gault, of McPherson.

The president announced the appointments of Sawyer G. Carter, of Lincoln, as doorkeeper, and William Sullivan and George Grigsby, as messengers.

The third day's session was opened with prayer, after which the president announced the appointment of stenographers, as follows: T. G. Brown, of Sioux Falls; I. W. Goodner, of Huron; E. A. Maglene, of Yankton; and Mrs. J. D. Washburne, of Yankton.

The remainder of this day's session was occupied in discussing the subject of providing a printed daily report of the proceedings of the convention as kept by the stenographers, which was finally disposed of by a resolution instructing the printing committee to secure the printing of 250 copies of the daily proceedings for distribution on the desks of the members each morning.

On motion of Ward, of Hughes County, the several standing committees were instructed to proceed at once with the business before them.

The Committee on Rooms and Time of Meeting for the various committees was announced, designating twenty-six places in convenient buildings in the city for committee rooms.

The members were occupied with their committee duties and not much business was transacted in convention for several days, though sessions were regularly held. On the fourth day Henry J. Morris was appointed transcribing clerk, and W. J. McKennen, enrolling clerk.

The arrival of additional members made necessary an increase in the membership of some committees, and the additional number were supplied by the president's assigning the new comers as follows:



Elections and Right of Suffrage—Wilcox, of Bon Homme; Alexander, of Campbell. Municipal Incorporations—Updyke, of Codington. Federal Relations—Proudfoot, of Clark. Executive and Administrative—Smith, of Hand; Wilcox, of Bon Homme. Legislative—Proudfoot, of Clark; Smith, of Hand.

On the ninth day, September 10th, Delegate Ward, of Yankton, presented a petition from forty-five residents of Yankton, praying for the submission of the woman suffrage question to a vote of the people by a separate article—the vote to be taken at the same time as the vote on the constitution.

The following communication was then read by the secretary:

Webster, D. T., September 15, 1885.

Mr. President and Delegates of the Convention:

In your wise deliberations let me implore you in behalf of your sister, mother or wife, to place the women of our glorious territory on an equality before the law with yourselves. Do not force this important question to a vote of the people, remembering that a large majority of them are as ignorant of the advantages freedom would be to them, as were the slaves in the south, who, had they endorsed the action of John Brown at Harper's Ferry in their interest, this country would have been saved the horrors of a terrible war. Give us equality, not to make us manly, but more womanly. We do not aspire to being the "Head of the Family," but are honest and just enough to let each individual possess a "head of their own." Industrial and property rights are now wholly in the keeping of men—the law-makers; therefore how necessary it is that we women have practical equality to defend ourselves against this great odds. Some of your honorable body may claim that this matter is inexpedient to act upon at the present time (in our opinion the opportune time), and is it inexpedient in you to at any time be anything less than just? And in the language of your preeminent president of the convention, "how necessary it is for us to elect only good and honest men to office, and to do this, woman must likewise act her part in the labor of arresting the advance of crime and corruption. Although through timidity (timidity, mark you! also remember what the Bible says about cowards), the politician is slow to invest her with the higher duties and obligations of American citizenship."

As a pecuniary interest to Dakota, what can your convention do more than to make the grandest state in the Union for woman? Then will they emigrate here by thousands, to a land where they are not taxed without a voice in what their money is to be used for, another benefit of no small importance this would prove to our future aggrandizement—in giving to our marriageable men wives that are free instead of slaves.

Gentlemen of the Convention, do yourselves honor by bestowing upon oppressed woman all the privileges in law that you so much enjoy, and thus immortalize yourselves in the third volume of *Woman Suffrage History* now being edited, as well as securing the heartfelt gratitude of every intelligent (for they only care to vote) woman in this semi-republic. As this country is not governed by the consent of the people, and cannot be with one-half of its citizens disfranchised, it is in no sense a republican form of government, and is, as aptly said by Matilda Joslyn Gage, "The ballot is consent."

Why not now do for us what you can? Why not now do for us what you can to secure this priceless boon?

Very Respectfully,

MATILDA M. GAGE.

Vice President for the National Woman Suffrage Association.

The communication was referred to the suffrage committee under the rule.

The committees were diligent in considering the various subjects referred, and on the fourth day the Committee on Military Affairs submitted its report. And on the seventh day the committee reported the article entitled "Bill of Rights." The Committee on Corporations other than banking, also reported; the legislative committee also; and the committee having charge of the executive department.

The constitution of 1883 proved of great advantage, as a labor saver, to the delegates of this convention. Many of its articles were transplanted to this new document, and hardly any material changes made. Unquestionably the convention had the ability to frame an entirely new document, but such was not their desire, for the constitution of 1883 had already been ratified by a two-thirds vote, indicating that it suited the people, and there had since grown up no demand for new features or changes, therefore the disposition was to restrict the text of the constitution of 1883. The bill of rights, the suffrage and prohibition questions occasioned the larger part of the discussions. But the convention showed no disposition to favor adjournment. It was taking ample time to



give all subjects consideration and where necessary, reconsideration, and no suggestion of adjournment was made until the third week.

On the 12th day, the following resolution was presented by Mr. McCallum, and referred.

Resolved, That the president of this convention be requested to obtain from the surveyor-general of this territory the information necessary to determine through what organized counties, if any, the 46th parallel of latitude runs, and whether or not said line is the boundary of organized counties, and if not to ascertain the amount of territory of counties not represented in this convention that will be south of the 46th parallel.

Mr. Conniff, member from McCook County, offered the following from the Farmers' Alliance of McCook County, to be incorporated in the constitution:

The right of eminent domain shall never be abridged or so construed as to prevent the Legislature from taking the property and franchises of incorporated companies and subjecting them to public use the same as property of individuals; and the exercise of the police power of the state shall never be abridged, or so construed as to allow their business to be conducted in such manner as to infringe on the equal rights of individuals or the general well-being of the state.

The resolution was referred to the judiciary committee.

Mr. Conniff also presented, from the same alliance, the following:

All railroads and transportation companies are declared to be common carriers, and subject to legislative control, and the Legislature shall have power to enact laws regulating and controlling the rates of charges for transporting passengers and freight as such common carriers from one point to another in this state.

Referred to Committee on Corporations other than Banking or Municipal.  
Also the following from the same parties:

The Legislature shall provide such revenue as may be needful by the levy of a tax by valuation, and all property in this state shall bear the burden of taxation equally.

Referred to legislative committee.

Resolutions submitted by member J. R. Hanson, of Yankton:

Railroads are hereby declared to be public highways as well as common carriers, constructed for the convenience and benefit of the people, and are proper subjects of legislative control. As such, no railroad hereafter constructed in this state shall pass within the distance of three miles of any town containing not less than 200 inhabitants without constructing its line of road through said town, and building and maintaining a depot within the town limits for receiving and unloading passengers and freight in the usual manner, unless prevented by natural obstacles, such as rivers and mountains. Provided, that such town and its citizens shall grant the right of way through its limits, and sufficient land for ordinary depot grounds. And no railroad shall establish and maintain one of the depots for receiving and unloading passengers and freight within a distance of ten miles of such town.

By Mr. Hanson for woman's suffrage clause:

Whereas, The subject of woman's suffrage has become one of great public interest and demands recognition by this convention; therefore,

Resolved, That the first Legislature that convenes under the provisions of this constitution shall provide by law for submitting this question to be voted upon at the first general election thereafter, and at said election none but women having in all other respects the qualifications enumerated in the article on suffrage in this constitution shall be allowed to vote on this question, and if a majority of the votes so cast shall be in favor of the proposition, then, and in that case, the word "male" shall no longer constitute one of the qualifications of an elector in this state, and women shall forever thereafter become qualified voters and eligible to any office within the gift of the people on an equal footing with the male population of the state. And these rights shall be never, and in no particular, infringed by legislative enactment.

A somewhat notable debate occurred when the report of the committee having the "Bill of Rights" to prepare, was submitted, which was on the fifteenth

day of the session. It was considered in committee of the whole, with Cranmer, of Edmunds, in the chair. The committee had neglected, through oversight or with the purpose of bringing the subject more prominently before the convention, to incorporate a declaration defining the political power and rights of the people, which being observed by Delegate Hugh J. Campbell, he called attention to the omission, and offered an appropriate clause which he stated he had copied from the Constitution of Pennsylvania adopted in 1870, as follows:

All political power is inherent in the people, and all free government is founded on their authority, and it is essential for their equal protection and security, that they have the right at all times to alter, reform or abolish their form of government in such manner as they may think proper.

Then followed the discussion.

Delegate Neill, of Grant County, was first to offer an opinion. He said:

I don't like the word "abolish" in this proposed section. I object to a revolutionary scheme which proposes to abolish any form of government whatever.

Delegate Campbell replied:

I introduce it because I think it peculiarly adapted to the present state of affairs in regard to Dakota.

Judge Edgerton then took the floor, and said:

I don't know that I should say a word on this occasion, but it has been intimated by the mover that the propriety and necessity for this declaration rests upon the peculiar relations that we this day occupy. In other words, that while Dakota is a territory, and knocking at the doors of the general Government for admission, we have the right to abolish that form of government, and I protest against the declaration. It is not my declaration. I desire in this event that we should present to Congress a constitution which will receive the approbation of Congress. I desire to appeal to them, not declare, that we have an absolute right to establish a different form of government, for I think with such sentiments declared we will not accomplish what we desire. We should appeal to Congress and show them that we have conformed to all that they have required at our hands. That we have sufficient population, sufficient territory, that we have intelligence, that we are law abiding, that we have fulfilled its requirements, and that therefore we ask, as law abiding citizens, that they shall emancipate us from a territorial form of government, but we do not come before them as rebels, with the statement that we have the absolute right to abolish our territorial form of government.

Delegate Campbell then took the floor, and in self defense, and in reply to Judge Edgerton, spoke as follows:

There was a time, Mr. President, when such sentiments as were just now presented to us from the lips of our president were considered loyal, and the opposition doctrine was considered rebellion. There was a time when it was thought to be revolutionary to say that the power of the government rested upon the authority of the people; but, sir, from the time that Patrick Henry made his speech for Virginia, from the time the Constitution was adopted by this people, and from the time the Declaration of Independence was formed, in which our forefathers did not hesitate to say, in the face of the monarchs of that day, that the government was based upon the authority of the people, from that time to this I have never heard that doctrine disputed, and I hope the time will never come when the people of Dakota will have less spirit than did their fathers. Our forefathers considered the people of other states so. There are many men who fought our battles and who were boys in 1860 who remember that when the Democrats came to power in 1860 they would have us bow as before demigods, to whom they would have us bend the knee and bow the head as if they were czars and satraps; as if we were not people of the American Government—what did that democratic Congress say to the people of Kansas? It said you have no power to act until we grant that power. And what did it do? It turned out their Legislature, and forced down their throats the LeCompton constitution. At the end of that administration that party went out of power and did not return for twenty-four years. And what did the people of Kansas do? They hurled back to Congress the declaration now proposed here, and you will find it embodied in almost every constitution that has ever been adopted. If such a proposition be treason, I pray God I may always be a traitor.

Judge Campbell's remarks suited the temper and opinion of the delegates, except that he betrayed a partisan feeling that was entirely out of place in a constitutional convention representing the whole people, and there were democrats among the delegates; besides his reference to conditions in Kansas were not pertinent to the situation in Dakota. Neither was it claimed that the delay in Dakota's case was wholly due to democratic opposition. While Pettigrew was delegate division might have been secured had the republican members of Congress been earnest and punctual in their support. But aside from this unnecessary reference to the party character of the opposition, it might have been said that there was neither a democratic or republican member of Congress who would not have cordially approved of the Campbell resolution as a proper reiteration of the broad principle upon which the Government of the United States was founded, and which the American people of all parties cordially and heartily endorsed. And this convention of Dakotans would never vote it down, for that would have been abject hypocrisy. But the issue in Kansas was whether the state should go into the Union as a slave state or a free state. Whether slavery should be regarded as national or sectional. It was the great question that had divided the country and parties from the beginning, and Kansas brought it to a focus or to a climax. But before the climax was reached the democratic party of the nation had divided radically on the slavery question, the northern democrats headed by Stephen A. Douglas, of Illinois, declaring for popular sovereignty, while the democrats of the South were led by Jefferson Davis, John C. Breckinridge, and the pro-slavery school. The Douglas democrats demanded that the people of Kansas should be allowed to settle the slavery question by the ballot, and the great majority of the Douglas school were free state men, but did not favor any interference with the institution where it existed under state laws as was the case in many of the southern states. Kansas was a territory in 1860 when Lincoln was first elected, but the people took an active interest in the campaign. Stephen A. Douglas was the presidential candidate of the free state or popular sovereignty democrats, Breckinridge of the pro-slavery democrats, and Abraham Lincoln of the new republican party. Lincoln was elected, the Civil war had been practically begun, and when Lincoln was inaugurated Douglas was conspicuous among the senators who attended the ceremonies and conspicuous in his friendly attitude toward Mr. Lincoln, and the Douglas men with their chief became actually the great leaders in the war for the suppression of the rebellion and were practically one with the republican party. Among the most notable was Douglas himself, Ulysses S. Grant, William T. Sherman, Philip Sheridan, John A. Logan, Edwin M. Stanton, the secretary of war, and the rank and file of the volunteer armies was said to have been about equally divided between the Douglas men and the Lincoln men. And it might be mentioned that the first newspaper published in the territory after its organization, which was in 1861, at Yankton, flew the Douglas flag and supported General J. B. S. Todd for delegate to Congress and Todd was elected. Frank M. Ziebach was the editor and proprietor of the Dakotian newspaper, which was the first, and he was an ardent supporter of the "Little Giant," as Douglas was called. It would therefore seem that a more suitable companion for Dakota could have been selected than Kansas.

Judge Edgerton briefly replied to Campbell's spirited remarks, saying:

I stated at the outset that so far as the proposition made is concerned, as an independent declaration, I have no objection to it. But when you say that it is on account of any peculiar position which we occupy, I reply that those words are unnecessary, and I do not think it will conduce to our best interests.

But the tenor of Judge Edgerton's critical remarks had struck a chord in the breasts of many of the members which did not respond in sympathy with his sentiments. He had mistaken the temper of his audience, nearly all of whom



seemed rather eager for a fray with Congress whether it hastened or delayed admission.

The next speaker was Major Metcalf, of Beadle County, a mild-mannered man and a good speaker. He said:

I admire the sentiment of our distinguished president, but I am here as a delegate from the people. I respect the laws of the American Congress, but it is wrong to say that the Union on our knees, let us stay out. I say that the voice of 400,000 American citizens is entitled to be heard in this Government. And if there is anything revolutionary in the resolution offered by the gentleman from Yankton, excepting as to the words "in the name of government, I fail to see it. Nor do I feel that by being a citizen of Dakota I am any the less loyal. I respect the conservative sentiments of our president of this convention, and I think his motive is a good one. He seeks to avoid any inflammatory sentiments in the constitution. At the same time I would like to know by what authority under the sun Congress has to say, Dakota shall not be admitted? It is time for the people of Dakota to arise, and if necessary throw off their political thralldom, and say by all the principles of eternal right and justice we will no longer be slaves. In doing that would we be going before Congress with an inflammatory document? It certainly cannot be by any section declared to be revolutionary in its nature.

Rev. Joseph Ward, of Yankton, the acknowledged head of the Congregational Church in Dakota, a direct descendant of General Ward, of Revolutionary war fame, was the next to address the convention, and what he had to say was apparently what every delegate present desired to say. He spoke as follows:

As a matter of logic, if we are willing to say that the right of government rests upon the consent of the governed, we have got to take the rest that follows it. We, the people of Dakota, acknowledging that the law of the United States is the supreme law of the land, our loyalty cannot be questioned. Disloyalists usually fight to get out, we are fighting to get in. Ours is a situation which is reversed, and if anybody must be charged with disloyal sentiments to the Constitution of the United States it is those who by any method, direct or indirect, would keep us from entering the Union. As has been expressed, the self-respect of 260,000 freemen is worth keeping. Why cannot we go there and stand just as good a show before our brothers and keep our self-respect as to go there and, in any respect, take the part of a mere supplicant? A great deal is to be gained by taking a good deal for granted, especially when the things we take for granted are ours. Congress is no more of an august body or a respectable body than this one, and it is as great an honor to stand here and claim our rights and assert them as it would be to stand in that house and have them give them to us. I think it is worth something to keep our integrity, even if it costs us ten years of waiting as a territory.

Judge Moody, of Lawrence, followed Mr. Ward. He said:

I do not intend to make a speech. Do not get alarmed, anybody. There seems to be a misunderstanding about this. We are preparing a constitution for a state, not a territory. It don't take effect until we become a state. When Dakota becomes a state, is not the proposition a declared truth that cannot be gainsaid by anyone on earth? I see all the other constitutions in the Union contain the same declaration. What is it? A sort of Fourth of July declaration. It is simply to hand down to our children and children's children. Now, with the kindest of feeling for every member of this convention, and, of course, unusually so for the presiding officer, I would dislike to see this declaration of the inherent power of the people voted down by this convention. There is not anything revolutionary in it. I would dislike to see this convention say by a decisive vote that it is not the truth, because we all feel that it is the truth. We do not declare by our action that we endorse what every member says about the proposition. If Judge Campbell has got up to a fighting pitch, I am glad of it. I like to see it. I would be glad to see every man in the territory get to a fighting pitch so he would be ready to shoulder arms to get it. We would not be likely to accomplish much, but I would like to see them in the frame of mind. We have the right, and if we do not claim it we ought to go home at once. We have the absolute right granted us by the Constitution—a right which has not only been granted to us by the Constitution of the United States, but we have the pledged faith of Congress that if we will come here and settle these public lands and organize communities, just as soon as we have a sufficient population and resources to form a state government it will admit us into the Union. This is a legal right. It is a constitutional right. We cannot enforce it, but we can declare it in the constitution which we propose. Of the other states Congress shall say you are admitted into the Union of States. We can declare these principles, and that is all. I don't think are sort of feeling ought to grow out of this. Our friend here, Judge Campbell, is combative. The very cut of his countenance and figure is combative. I have



known him five or six years. I have met him at the bar. I have had him before me when I was presiding in court. He is always combative when anybody comes against him. (Laughter.) He has the kindest of intentions. He merely states with much more emphasis than we can state it just what we all believe.

Delegate Lothian, of Grant County, after a few remarks, supporting the resolution offered by Campbell, moved its adoption, which motion prevailed by a vote of 46 to 17.

The committee of the whole then arose and reported its action. A motion was made to adopt the report, when Judge Edgerton asked division of it so as to secure separate action on Campbell's resolution. The remainder was adopted, and when Campbell's resolution came up, Moody moved an adjournment. Some confusion ensued, when Judge Edgerton, not understanding that the motion had been made, undertook to speak. A point of order regarding the motion to adjourn was made, while Edgerton commenced speaking, who said he only wanted five minutes. The motion to adjourn was put, however, and resulted in a tie vote, 36 to 36, whereupon the chair decided it and declared the adjournment carried.

The Campbell resolution was referred to the Committee on the Bill of Rights the following day, the 16th, not having been before that committee prior to its introduction by Judge Campbell, and was reported to the convention in the following form, in which form it was adopted and remains a part of our state constitution to the present day:

Section 26. All political power is inherent in the people, and all free government is founded on their authority, and it is instituted for their protection and benefit, and the right, in lawful and constituted methods, to alter and reform their forms of government in such manner as they think proper; and the State of Dakota is an inseparable part of the American Union, and the Constitution of the United States is the supreme law of the land.

The report of the Committee on Prohibition was considered at the same time by the committee of the whole, as a special order. The report proposed to submit as a part of the constitution, for adoption or rejection by a special vote, an article prohibiting the manufacture or sale of liquor within the state.

Lichtenwallner, of Hughes County, had hoped the proposition would not be made, as the defeat of either party would lead it, after election, to oppose admission. But out of deference to the opinions of so large a number who favored it he would support it, assuring the members that, speaking, not for the liquor dealers, but for that large body who are opposed on principle to sumptuary legislation, he and they would abide the result, and asking his prohibition friends to make a similar declaration.

Delegate Kanouse, of Sanborn County, replied, and stated that as a prohibitionist, he would pledge his friend of Hughes County, that the defeat of prohibition should not dampen his ardor for statehood.

Judge Moody, of Lawrence County, then took the floor. He said he feared the convention was approaching a dangerous rock in the channel of its progress. He was for a state first, and questions of domestic economy afterward. He feared the introduction of a prohibition article into the body of the constitution would be disastrous, even if there was a subsidiary proposition to strike it out unless it get votes enough—for this subsidiary feature could not be well understood by all the people, who therefore would vote against the constitution. He therefore suggested that it be referred to the Committee on Schedule, that it might be arranged for submission as an independent proposition, outside the body of the document. And as preliminary thereto moved that a vote be taken on the question:

"Shall a proposition for prohibition be submitted to the people for adoption or rejection?"

On this question the yeas and nays were called, resulting in 75 yeas and 10 nays—those voting nay being Alexander, Belleu, Bennett, Buechler, Dollard,

Fellows, Fowler, French, Phillips, Ryan and Weedon. The mode of submission was then referred to the Committee on Schedule, which committee reported a resolution favoring the submission of the article as a separate measure outside of the constitution, which was adopted.

The question of the dividing line between the proposed state and the Territory of North Dakota, engaged the earnest attention of the convention. This line would be the northern boundary of the state, and it had not been questioned that the 49th parallel of north latitude would be the boundary finally fixed upon, but upon further and closer investigation of the subject it was discovered that the 49th parallel would divide counties and townships already established and settled, and even farms, in some instances. This led to a change of sentiment in favor of the seventh standard parallel, a surveyed line, as the best boundary and most definite boundary, and already defined east of the Missouri River. The 7th standard was about four miles south of the parallel of latitude, and the convention at one time voted to adopt it as the northern boundary, but reconsidered and decided upon the 49th at the same session. It was said that Congress would favor the 7th standard, because of the confusion of surveyed lines and county boundaries which would result if the parallel of latitude was adopted. There was much outside discussion of the proposition, with the sentiment favoring the 7th standard, as that had, practically, become the boundary, the county boundaries of each division, east of the Missouri, having that line for their northern and southern boundary, while the domain west of the Missouri was an Indian reservation, and could be conformed to either boundary when surveyed. The 7th standard finally won.

The several judicial circuits of Dakota and their members of the state committee were:

First Circuit—Union, Clay, Yankton, Bon Homme, Hutchinson, Charles Mix, and Douglas counties; Major Joseph R. Hanson, of Yankton County.

Second Circuit—Lincoln, Turner, Minnehaha, McCook, Moody, Lake and Miner counties; E. P. Bebee, of Minnehaha County.

Third Circuit—Brookings, Kingsbury, Deuel, Hamlin, Codington, Clark, Grant, Marshall, Roberts and Day counties; Rev. S. G. Updyke, of Codington.

Fourth Circuit—Beadle, Sanborn, Davison, Aurora, Brule, Buffalo and Jerauld counties; John Cain, of Beadle County.

Fifth Circuit—Spink, Brown, Hand, Hyde, Hughes, Sully, Potter, Faulk, Edmunds, Walworth, Campbell and McPherson counties; James A. Ward, of Hughes County.

Sixth Circuit—All that portion west of the Missouri River; A. J. Simmons, of Pennington County.

Member at Large and President of the Committee—Hugh J. Campbell, of Yankton County.

The form of the vote decided upon for the ratification or rejection of the constitution, was as follows:

For the constitution, Yes.....No.....

For prohibition, Yes.....No.....

For minority representation, Yes.....No.....

For ....., as the temporary seat of government.

(The state, congressional and legislative tickets to follow here.)

(As a heading to each ballot the following instructions to voters will be given.)

All persons desiring to vote for the constitution, or for any of the articles submitted, will erase the word "No."

All persons desiring to vote against the constitution, or against any article separately submitted, will erase the word "Yes."

The convention concluded its labors and adjourned on Friday, September 24th, after a session of seventeen days. The last day was devoted to the arrangement and phraseology of the constitution. The constitution was read, beginning at 10:30 A. M., and closed at 5 P. M. At the close of the reading the constitution

was adopted by a unanimous vote. The document was ordered bound, signed by the members of the convention, and placed in the custody of the president to deliver to the proper authorities.

The final vote was followed by loud and long continued applause. Eighty-nine members signed the document. This constitution was the one South Dakota was admitted under, four years later, with a very few additions added by the omnibus bill passed by Congress in 1889.

The expenses of the convention were reported by the Committee on Expenses, as follows, showing that less than one-half of the appropriation had been consumed:

Mileage, \$2,005.45. Per diem of members, \$3,022.50. Per diem of employees, \$1,155.50. Transcript, \$618.60. Rents, \$291.00. Tables, \$60.95. Printing, \$975.00. Stationery, \$93.05. Editing debates, \$300.00. Total, \$9,430.05, less \$22.00 proceeds of sale of tables.

The convention held an evening session for addresses, no business being in the way. Brief addresses were made, and parting hand-shakes and good-byes were said in many instances. That band of Dakota freemen would probably never meet together again.

The executive committee held a meeting the morning after adjournment, and completed the organization by the election of C. M. Reed, of Sully County, secretary, and then appointed the county boards for each county, as provided in the schedule. Names of appointees:

Aurora County, J. B. Jenkins, Henry Davlon, G. A. Graves; Beadle, A. Davis, J. W. Dare, E. C. Issenhuth; Brown, Geo. H. Johnson, C. W. Sterling, Doctor Pettingill; Brookings, Wm. Fisher, D. S. Darrow, U. D. Palmer; Buffalo, S. K. King, A. H. Orves, C. A. Osman; Brule, C. M. Gregory, T. B. Wetherell, S. W. Duncan; Bon Homme, T. O. Begert, Joseph Stowe, J. H. Turner; Butte, H. J. Grant, Mr. Bowman, Henry Chamberlain; Custer, S. O. Starkland, A. D. Clark, A. D. Tearly; Campbell, William Mattison, E. H. McIntosh, William Owen; Clark, John E. Bennett, F. T. Conklin, Captain Barry; Codington, J. M. Westfall, P. B. Spicer, E. D. Wheelock; Clay, N. C. Hanson, Judge Copeland. Hans Myron; Deuel, B. A. Wade, H. H. Guernsey, F. A. Bretcher; Faulk, F. F. Hughes, James W. Johnston, F. A. Pangborn; Grant, A. M. Hogan, F. A. Eldridge, W. S. Crawford; Hutchinson, M. Schlengen, Wm. Baldwin, J. S. Scouber; Hughes, J. S. Macnamara, R. Lather, John Scholler; Hyde, John T. Cogan, John Pyle, C. R. Court; Hamlin, J. P. Chuver, H. M. Gilbertson, J. C. Springer; Hanson, John Foster, J. C. Gregory, R. F. Wickhem; Jerauld, H. M. Rice, M. J. Hournis, A. Gunderson; Kingsbury, John A. Owen, H. H. Shut, J. C. Southwick; Lake, C. B. Kennedy, R. R. Wentworth, H. P. Smith; Lincoln, J. W. Taylor, Mr. Treat, A. B. Wheelock; Marshall, Deyee, Britton, Clark; Miner, John H. Potter, S. H. Bronson, Hugh Smith; McPherson, H. F. Moulton, Frank Warren, Mr. Hunt; Roberts, Edmund Cook, David Eastman, E. W. Lewis; Sully, J. A. Melon; Spink, F. J. Fisher, Jonas Bushnell, George Jarvis; Sanborn, C. E. Hendes, S. J. Mitchell, Judge Church; Turner, A. L. Peterson, R. C. Teasley, Chris Olsen; Union, A. O. Ringsrud, W. M. Williams, Frank Wade; Walworth, Tom Orr, H. H. Potter, Doctor Edwards; Yankton, J. R. Gamble, A. L. Van Osdel, B. F. Brooks.

A caucus of the delegates who belonged to the republican party was held after the convention adjourned, at which A. C. Mellette was chosen chairman, which decided to call a convention for the nomination of a state ticket, and a circular was prepared calling a meeting of the members of the territorial republican committee from the counties south of the 46th parallel, to assemble at Huron, September 29th, and arrange and issue a call for the state convention.



## CHAPTER CIX

### THE SECOND CONSTITUTIONAL CONVENTION—THE LEGISLATURE ELECTS SENATORS

1885

OFFICIAL NOTICE OF STATE ELECTION—ORGANIZATION OF THE STATE LEAGUE—THE FIRST STATE CONVENTION—PROCEEDINGS—NAMES OF MEMBERS—GOVERNOR MELLETTE'S MESSAGE—PROCEEDINGS OF THE LEGISLATURE—NAMES OF MEMBERS ELECTING SENATORS—G. C. MOODY AND A. J. THORP CHOSEN—PROCEEDINGS IN CONGRESS—DEBATE IN THE SENATE—DAKOTA'S CONSTITUTIONAL PROCEEDINGS PRESENTED—SENATOR BUTLER INTRODUCES AN ENABLING ACT FOR ONE STATE AND DELIVERS AN ADDRESS—REPRESENTATIVE W. D. HILL, DEMOCRAT, OF OHIO, ESPOUSES DAKOTA'S CAUSE—GRAND SPEECH.

#### OFFICIAL NOTICE OF THE ELECTION FOR THE CONSTITUTION

Notice is hereby given, that on Tuesday, the 3d day of November next, at the several precincts and polling places which are now provided by law for the general election in each of the counties of the territory south of the 46th parallel of north latitude, an election will be held by the qualified electors of such counties, for the adoption or rejection of the constitution and separate articles, submitted to a vote of the people by the constitutional convention on the 25th day of September, A. D. 1885, at the City of Sioux Falls, Dakota, and for

The selection of a temporary seat of government and for the election of a governor, lieutenant governor, secretary of state, auditor, treasurer, attorney general, superintendent of public instruction, commissioner of school and public lands, two representatives in Congress, three judges of Supreme Court, and in each circuit as established and defined by article 5 of said constitution, for a judge of the Circuit Court, and in each county for a judge of the County Court, and in each senatorial district as established and defined by article 19 of said constitution, for state senators, and in each representative district as established and defined by article 19 of said constitution, for representatives in the Legislature, which election will be opened at 8 o'clock in the morning and will continue open until 5 o'clock in the afternoon of the same day.

The several sheriffs of each of the counties aforesaid, and the several county boards are required by the schedule and ordinance, to post this notice in their respective counties, in the manner required by law for notices of general and annual elections. The several newspapers of said counties are hereby requested and authorized to publish the same.

By authority of the constitutional convention begun and held at the said City of Sioux Falls, on the 8th day of September, A. D. 1885, and of the schedule and ordinance adopted by said convention, and of the act of the Legislative Assembly of the Territory of Dakota, approved March 9, 1885.

Dated at the City of Yankton, Dakota, this 2d day of October, 1885.

HUGH J. CAMPBELL, \*  
President State Executive Committee.

After the adjournment of the constitutional convention in May, 1885, an organization was perfected at that place entitled the "Dakota State League," for the purpose of securing a division of the Territory of Dakota on or near the 40th degree of north latitude, and the admission of the southern portion into the Union as a state under the Sioux Falls constitution. Its purposes are clearly set forth in the following articles which comprised its constitution:

The officers of the Dakota State League shall be a president, one vice president for each county, a treasurer, a secretary, an executive committee of five, consisting of the president, treasurer, secretary, and two other members, whose terms of office shall be one year and until their successors are elected.



2. The general direction of the affairs of the state league is intrusted to the control of the executive committee.

3. Any resident of the Territory of Dakota, male or female, may become a member by signing this constitution, paying a membership fee of 25 cents, and subscribing to the following pledge:

Pledge: I pledge my sacred honor to the faithful performance of the following obligation—

1st. To exert my influence upon all occasions in behalf of the division of the Territory of Dakota on the 46th degree of latitude, or seventh standard parallel, until so divided.

2d. To labor for the admission of the southern portion into the Union as a state, under the Sioux Falls constitution, until the same shall be admitted into the Union.

3d. To use every honorable endeavor to secure the election of men for all county, territorial and state offices who are known to be unqualifiedly in favor of the state government, as provided for in the Sioux Falls constitution, until the same shall be admitted into the Union.

4. Charters for township or local leagues will be issued upon application of five or more persons to the secretary of the state league, accompanied with 10 cents for each application.

5. Charters for county leagues will be issued upon application of ten or more persons, in like manner with like fees.

6. Ten cents for each new name added to the membership of local and county leagues during the month, with 5 cents per capita dues, shall be forwarded to the secretary of the state league, on or before the tenth day of each month.

7. County and local leagues will make their own rules and regulations, conforming to this constitution, and instructions from the state executive committee.

8. The vice presidents in the several counties shall have general supervision of the affairs of the league in their counties, under the direction of the state executive committee.

9. Local and county leagues shall hold one meeting during the first week of each month, and at such other times as they may severally determine.

10. The secretaries of local and county leagues shall report to the secretary of the state league, the names and postoffice address of all members on the 10th day of July, 1886, and of all new members added during the month on or before the 10th of each month thereafter.

11. All money received by the secretary of the state league shall be duly receipted for, and on or before the 20th day of each month, forwarded to the treasurer, who shall receipt to the treasurer for the same.

12. The secretary shall keep an itemized account of all money received, and orders drawn upon the treasurer, and all other financial transactions of the secretary, and report the same to the president on July 13, 1886, and quarterly thereafter.

13. Money shall be drawn from the treasury only upon the order of the president, duly attested by the secretary.

14. The second regular meeting of the Dakota State League will be held at Sioux Falls, July 13, 1886.

15. County and local leagues will each be entitled to one representative, and an additional representative for every ten members.

16. Every friend of division on the 46th, and admission under the Sioux Falls constitution, is cordially invited to become a member of the state league and participate in the second regular meeting at Sioux Falls, July 13, 1886.

#### MEMBERS MAY 6, 1886

Theodore D. Kanouse, Woonsocket.

J. K. P. McCallum, Huron

J. H. Patten, Carthage.

Geo. L. Wright, Winfred.

R. Croner Walton, Aurora.

John A. Owen, DeSmet.

Thomas McConnell, Carthage.

John Cain, Huron.

E. J. Oakes, Hartford.

A. J. Kellam, Chamberlain.

J. P. Goddard, Leopi.

J. T. Dow, Frederick.

A. Haines, Parker.

A. J. Berdahl, Pennington.

W. S. Bowen, Yankton.

Hugh J. Campbell, Yankton.

S. C. Mathews, Alpena.

D. Elwell, Sioux Falls.

E. P. Bebee, Sioux Falls.

H. H. Sheets, Esmond.

Willis C. Stone, Copp.

J. H. Moore, Winthrop.

W. M. Wright, Volga.

Fred Coffin, Huron.

A. Frizzell, Sioux Falls.

T. H. Conniff, Bridgewater.

Joseph Ward, Yankton.

W. H. Murphy, Alexandria.

W. H. Goddard, Montrose.

C. S. Gifford, Dell Rapids.

Isaac Gray, Alexandria.

Joseph Allen, Hurley.

Thos. W. Stevenson, Sioux Falls.

Augustine Davis, Huron.

Stephen Jones, Roswell.

Arthur C. Phillipp, Sioux Falls.

S. T. Clover, Sioux Falls.

G. A. Uline, Dell Rapids.

## VICE-PRESIDENTS APPOINTED BY GOV.

George R. Scougal, Yankton.  
 M. Billon, Olivet.  
 E. W. Ferrell, Bridgewater.  
 H. F. Fellows, Plankinton.  
 Chas. B. Kennedy, Madison.  
 F. T. Meyer, Woonsocket.  
 D. J. Darrow, Brookings.  
 J. T. Cogan, Ree Heights.  
 F. H. Kent, Huron.  
 C. M. Reid, Omeida.  
 Geo. E. Matteci, Wilmot.  
 S. H. Elrod, Clark.  
 Chas. A. McConnell, Copp.  
 J. B. Richards, Frederick.  
 Charles N. Herreid, Leola.  
 John H. King, Buffalo Gap.

S. B. Jones, Parker.  
 A. Frizzell, Sioux Falls.  
 A. J. Fatsall, Alexandria.  
 C. J. Maynard, Kimball.  
 S. H. Bronson, Howard.  
 Prof. Huntley, Wessington Springs.  
 C. P. Stearns, De Smet.  
 Eli Johnson, Highmore.  
 George Schlosser, Blount.  
 M. F. Greeley, Gary.  
 Frank Crane, Watertown.  
 J. A. Pickler, Faulkton.  
 J. C. Adams, Webster.  
 W. R. Ruggles, Ipswich.  
 Frank Alexander, LaGrace.

## EXECUTIVE COMMITTEE.

John A. Owen, DeSmet.  
 Thos. McConnell, Carthage.  
 J. T. Dow, Frederick.

A. J. Kellam, Chamberlain.  
 W. S. Bowen, Yankton.

To facilitate the organization of subordinate leagues, the state league was prepared to send speakers on request. John A. Owen was president of the state league, and Thomas McConnell, secretary.

## REPUBLICAN STATE CONVENTION

..

There will be held at Huron, on Wednesday, October 21, 1885, at 2 o'clock P. M., a republican delegate convention, for the State of Dakota, being that portion of the Territory of Dakota lying south of the 46th parallel of north latitude, for the purpose of placing in nomination republican candidates for state officers, to be voted for on the 3d day of November, 1885, pursuant to enactment of the constitutional convention, convened on the 6th day of September, 1885. The following are the officers to be nominated, viz.:

One candidate for governor.  
 One candidate for lieutenant governor.  
 One candidate for secretary of state  
 One candidate for state auditor.  
 One candidate for state treasurer.  
 One candidate for state attorney general.  
 One candidate for state superintendent of public instruction.  
 One candidate for state commissioner of school and public lands.  
 Two candidates for Congress.  
 Three candidates for Supreme Court judges.

The several counties in Dakota Territory will be entitled to representation in said convention as follows:

Aurora .....	6	Beadle .....	10	Bon Homme .....	7
Brookings .....	8	Brown .....	12	Buffalo .....	1
Burdick .....	1	Butte .....	1	Campbell .....	1
Charles Mix .....	4	Clark .....	5	Clay .....	6
Codington .....	6	Custer .....	1	Davison .....	9
Day .....	6	Deuel .....	4	Dickey .....	1
Douglas .....	4	Edmunds .....	2	Emmons .....	1
Ewing .....	1	Faulk .....	3	Fall River .....	1
Grant .....	7	Hamlin .....	4	Grand .....	8
Hanson .....	4	Harding .....	1	Hughes .....	6
Hutchinson .....	9	Hyde .....	2	Jerauld .....	2
Kingsbury .....	8	Lake .....	5	Lawrence .....	10
Lincoln .....	8	Mandan .....	1	Marshall .....	2
McCook .....	6	McIntosh .....	1	McPherson .....	2
Miner .....	5	Mountrail .....	11	Moody .....	6
Pennington .....	2	Pattee .....	2	Roberts .....	2
Sanborn .....	4	Sargent .....	1	Spink .....	10
Sully .....	3	Turner .....	8	Union .....	8
Walworth .....	1	Yankton .....	9		

Total .....

The above representation is based upon the population of counties as determined by the census of 1885, allotting one delegate to each 10,000 inhabitants or majority part thereof, provided that every organized county shall have at least one delegate.

The committee recommends that the several county conventions, when assembled to select delegates to the state convention, also nominate candidates for the State Legislature to be voted for at the ensuing election, and also to authorize the delegates selected to the state convention to represent said county in their respective judicial circuits and senatorial district conventions.

By order of the Territorial Central Committee for the subdivision of South Dakota.  
 W. S. REYNOLDS, Secretary, A. C. MELLETTE, Chairman.  
 S. H. ELROD, Ass't Secretary.

Pursuant to the foregoing call, the delegates-elect to the first state convention held in Dakota for the purpose of nominating state officers assembled at the Grand Opera House in Huron on Wednesday, October 21st, at 2 o'clock P. M., and the first formal proceedings were had by the call to order and the reading of the official call by Hon. H. J. Patterson, of Lake County. This should have been followed by devotional exercises, but the clergymen of Huron appear to have been elsewhere engaged, and the convention was compelled to proceed, each depending upon his own prayer.

Mr. Patterson called for nominations for temporary chairman, whereupon Samuel Lockhart, of Grant County, nominated Judge J. E. Bennett, of Clark, who received a unanimous vote and took the chair. He returned thanks for the honor conferred, and expressed reluctance at accepting the position and endeavoring to discharge its duties in the presence of so many eminent persons. He promised, however, to act fairly, and gave his hearty endorsement to the constitution about to be voted upon by the people. His emphatic announcement of loyalty to the principle of division first and admission next, was most earnestly applauded, as was also his expression of confidence that within a year we should witness the placing of Dakota's star on the American Union's field of blue, as the newest and brightest orb of the galaxy that adorns the Nation's ensign.

On motion of Capt. W. V. Lucas, of Brule, Hon. L. C. Taylor of Hanson County, W. C. Allen of Brown County, C. M. Reed of Sully, and L. E. Mayhew of Sanborn were chosen temporary secretaries.

On motion of C. H. Winsor, of Minnehaha, the chair appointed the following named gentlemen a Committee on Credentials, viz.: C. H. Winsor, F. A. Parsons, Hanlin; J. O. B. Scobey, Brookings; W. S. Reynolds, Davison; B. K. Watson, Aurora; W. V. Lucas, Brule; C. Buechler, Hutchinson.

In compliance with motions, Messrs. F. G. Fahnstock of Codington, J. R. Gamble of Yankton, W. R. Ruggles of Edmunds, A. B. Smedley of Grant, F. M. Goodykoontz of Brule, I. N. Cotes of Clark, O. S. Basford of Spink and A. E. Frank of Lawrence were appointed a Committee on Permanent Organization.

John H. King of Brule, H. A. Humphrey of Faulk, H. J. Campbell of Yankton, J. F. Hammond of Spink, H. C. Preston of Davison, J. F. Stahl of Lake, M. D. More of Clay, C. W. Starling of Brown and B. B. Benedict of Bennington were appointed to prepare a platform.

Reverend Doctor Lore, of Beadle County, being invited by the chair, then invoked the divine blessing on the convention.

It was ordered that all resolutions presented referring to the proper subjects be referred, upon presentation, to the Committee on Resolutions. The chair then announced a recess for an hour to give the credentials committee time to make up their report. The attendance was quite full, and great interest was manifested in every step taken. During the recess addresses were made by A. C. Mellette, T. D. Kanouse, Hugh J. Campbell, Reverend Mr. Updyke, John R. Gamble and Col. E. Evans, of Hot Springs. The addresses were highly complimented for their patriotic tone and absence of partisanship.

The credentials committee reported at 5 o'clock, through Mr. Winsor, of Minnehaha, and recommended the following named delegates entitled to seats:

Aurora County—I. N. Auld, C. J. Stockwell, C. J. Anderson, B. H. Sullivan, B. K. Watson, S. L. Coe. Beadle—O. W. Blair, H. J. Rice, A. Davis, H. G. Wolfe, N. B. Appleman, S. C. Nash, J. W. Dove, S. C. Fassett, A. W. Page,



J. E. Coombs, Bon Homme—Sol Wenzlaff, J. C. Chamme, B. R. Wagner, L. O. Bogert, Robt. Dollard, Daniel Wilcox, Brookings—A. J. Dow, H. S. Murphy (2 votes), W. M. Nichols, W. J. Poole, I. O. B. Scholey, W. M. Fisher, J. W. Shannon, Brown—W. C. Allen (2), C. J. McLeod (2), Chas. Sterling (2), S. J. Juniper, C. M. Cannon, H. J. Hauser, J. B. Richards, K. W. Jones, H. A. Tice, Buile—W. A. Lucas, H. F. Gates, J. H. Kee, Alex. Juges, S. W. Kent, W. A. Scott, E. M. Goolykoontz, Buffalo—S. K. King, Campbell, Frank Alexander, Charles Mix, D. H. Henry (4 votes), Clark—John F. Bennett, S. J. Conklin, S. H. Elrod, J. W. Coates, F. F. Conklin, Clay—H. J. Austin, H. C. Copeland, John P. Hoyer, W. D. Moore, J. W. Gilbert, H. Gauderson, Codington—F. G. Lohmstock, C. G. Church, W. R. Thomas, Alex. Davidson, J. L. Robinson, S. G. Uplyke, Davison—H. C. Preston, Wm. C. Metcalf, W. S. Reynolds (2), I. S. Wilson, W. C. Baker, Day—W. H. Ware, J. O. Thompson, J. Ally, Elias Winger, E. R. Ruggles, F. Huntington, Deuel—F. P. Crane (2), Wm. H. McIntyre, F. P. Phillips, Douglas—George Spencer, Homer Johnson, George Woolman, G. S. Perry, Edmunds—A. G. Barnard, W. R. Ruggles, A. E. Ashcroft, Emmons—Frank Alexander, Faulk—C. H. Ellis, H. A. Humphrey, F. M. Jessop, Grant—Wm. W. Downin, Wm. N. Evans (2), A. B. Smedley, S. S. Lockhart, C. S. Amsden, J. A. McGovern, Hamlin—F. A. Parsons, F. A. Carruth, Geo. W. Pierce (2), Hand—A. A. Stebbins, C. G. Clark (3), B. F. Payne, J. E. Martin, Levi Harris, O. B. Dewey, Hanson—L. C. Taylor, A. J. Parshall, M. J. Curran, E. P. Brown, Hughes—W. S. Welles, V. F. Prentice (2), J. C. MacManima, G. Jones, H. Besancon, Hutchinson—C. S. Carr, C. Buechler, M. Schamber, S. M. Daboll, John Swartz, J. G. Hawley, J. D. Welch, Hyde—D. A. W. Perkins, N. F. Bates, Jerauld—R. Chase, F. B. Phillips, T. H. Null, Kingsbury—W. N. Glendenning, L. A. Keith, N. F. Barber, A. G. Cook, J. H. Carroll, E. E. Pinkerton, Eli Benke, John A. Smart, Lake—J. E. Stahl, Wm. Lee, H. J. Patterson, John Jones—Lincoln—J. W. Taylor, E. S. Lewis, R. A. Pierce, C. S. Ponce, N. M. Jacob, W. B. Waite, J. W. Carter, Edgar Dean, T. H. Coniff, W. H. Goddard, R. B. Jamison, J. C. Headle, J. J. Stultz, O. C. Potter, Miner—J. H. Patton, Thomas McConnell, E. J. Rogers, S. Jones, H. Winden, McPherson—S. P. Howell, J. W. Hewitt, Minnehaha—C. H. Winsor, W. A. Wiley, R. S. Alexander, F. F. Ellipson, J. F. Calton, C. A. Sorderburg, W. H. Lyon, S. T. Clover, C. E. McKinney, H. H. Keith, John Sumbach, Andrew Burradige, Peter Morse, Potter—Wm. Whitford, Wm. A. Epling, Pennington—B. B. Benedict (3), Moody—J. F. Goodsell, J. H. Eno, Thos. Haskins, G. R. Lanning, F. A. Stafford, Albert Pagie Sully—H. W. Edgerton, Phineas Helm, M. L. Howes, Sanborn—H. F. Mayhew, W. H. Burbick, J. E. Whiting, F. F. Myers, Roberts—J. H. Drake (2), Spink—S. F. Hammond, D. W. Poindexter, F. Waller, F. J. Fisher, S. H. Riggs, G. W. Sickles, O. S. Baford, M. L. Read, N. W. Badcock or Babcock, G. W. Fenne, Union—N. A. Kirk (3), W. J. Himes, Isaac More, John Larson, J. P. Kimball, Levi Shimmy, Turner—C. F. Hackett, Joseph Allen, C. D. Seiffert, F. F. Hamford, John Vantrollen, F. E. Andrews, Jr., G. C. Stewart, T. B. Martin, Yankton—J. R. Gamble (3), W. S. Bowen, W. H. Stearns, J. R. Hanson, Newton Edmunds, Hugh J. Campbell.

The report was adopted.

The Committee on Permanent Organization reported recommending Col. A. B. Smedley, of Grant County, for permanent chairman, and that the temporary secretaries be retained as the permanent secretaries, which report was adopted, and Colonel Fahnstock, of Codington, and Gen. M. L. Howes, of Sully, being appointed thereto, escorted the president elect to the chair, who inaugurated his induction into the office of the chairman of the first state convention held in the territory by an eloquent address, returning his thanks to the convention for the distinguished honor, announcing his own earnest sympathy with the state movement, promising an encouraging report from his section on election day.



counseling harmony of action, the presentation of a thoroughly good ticket and hard work on all hands until the objects of the movement are accomplished.

His address was frequently interrupted with manifestations of approval from the delegates.

A recess was then taken until evening, and on reconvening at 7 o'clock P. M., Colonel Fahnestock moved to proceed to the nomination of officers, which motion prevailed.

F. L. Fisher, of Spink County, in an eloquent speech, nominated A. C. Mellette, of Watertown, for governor.

A. B. Burdick, of Sanborn County, arose and, after eloquently reciting the abilities and deserts of Hon. Theodore Kanouse, stated that he withdrew that gentleman's name from the list of gubernatorial candidates, and seconded the nomination of Mr. Mellette. Lanning, of Moody, and McConnell, of Miner, also seconded the Codington County nomination. Mellette was then nominated for governor by acclamation.

Howe, of Lake, nominated H. J. Patterson, of Madison, for lieutenant-governor, and Winsor, of Minnehaha, nominated S. C. Young, of Minnehaha. A. E. Franks, of Lawrence County, was placed in nomination for the same office by Delegate Benedict, of Pennington. Franks won the nomination on the second ballot. Hugh S. Murphy, of Brookings, was named by J. W. Shannon, and on motion of J. O'B. Scobey was nominated by acclamation for secretary of state.

S. H. Elrod, of Clark, presented the name of Frank Alexander, of Campbell County, for state auditor, and B. F. Payne named C. M. Reed, of Sully, for the same office. Alexander won the majority vote, and his nomination was made unanimous.

S. H. Jumper, of Brown, and D. W. Diggs, of Grant, were each nominated for state treasurer. Diggs was nominated on the first ballot, and the nomination was made unanimous.

T. O. Bogert, of Bon Homme, placed in nomination the name of Hon. Robert Dollard, of Scotland, for attorney-general, and Mr. Dollard was accorded the nomination by acclamation.

A. Sheridan Jones, of Hutchinson County, and S. L. Coe, of Aurora, were named as candidates for superintendent of public instruction. Jones won on the first ballot by a vote of 167 to 89, and was then nominated by acclamation.

F. H. Conniff of McCook, Gen. W. H. H. Beadle of Yankton, H. W. Babcock of Spink, A. E. Barker of Day, S. F. Hammond of Spink and W. S. Reynolds of Davison were named as candidates for commissioner of school and public lands. On the fifth ballot General Beadle was nominated, and the nomination was made unanimous.

It was moved that O. S. Gifford be nominated by acclamation for representative in Congress. The motion was amended to include the name of T. D. Kanouse. After much discussion, a substitute was offered and carried, and Judge Gifford was nominated by acclamation, and Mr. Kanouse was also nominated as the second representative by separate unanimous vote.

For judges of the Supreme Court, A. J. Kellam of Brule, Dighton Corson of Lawrence and John E. Bennett of Clark were nominated by acclamation.

This completed the list of nominations.

The Committee on Resolutions then submitted the following report:

We, the republicans of the new State of Dakota, in convention assembled, affirming our loyalty to the National Government, one and undivided forever, do declare and resolve:

1. That we affirm the doctrine enunciated by the National Republican Convention of 1885.
2. That we fully endorse the action of our last Territorial Legislature in calling a constitutional convention of South Dakota, and that we are in hearty accord with the action of that convention, and recommend the constitution framed thereat to the people of the proposed new State of Dakota, and pledge our hearty support to its adoption at the polls.
3. That the people of the proposed State of Dakota are firmly and unalterably opposed to any and all schemes for the admission of the territory as a whole, and pledge our continued

and loyal support to the division of the territory on the 46th parallel, and the admission of the state, until our claim is recognized by Congress.

4. Affirming that under the precedents of Congress in the case of thirteen states, including the states of Michigan, Florida, Iowa, Wisconsin, California and Oregon, under the guaranties of the Ordinance of 1787, and of the Louisiana treaty, and under the decision of the Supreme Court of the United States, we have an undoubted and indefeasible right to form a state government, and to be admitted into the Union on equal terms with all the other states.

5. That this right having been repeatedly affirmed by Congress, and based upon compacts that are irrevocable without the consent of the people, we have exercised a lawful prerogative in taking the necessary steps to form a state, and we now call upon the National Government to carry out its precedents, and make good its guaranty to a loyal people.

Resolved, That while this convention is met to put in nomination persons representing the republican party, the entire movement to form and submit the constitution was non-partisan in character, and the question of its adoption is addressed to the people in their individual and aggregate capacity, wholly free from party interest, and in no way obnoxious to party action. And we observe with regret the action of a democratic conclave of this territory, recently held at Mitchell, condemning the action of the constitutional convention at Sioux Falls, and we charge that its aims and purposes in opposing the new constitution, and division of the territory, and the admission of South Dakota as a state are subversive of our interests, that they trample upon the rights of 200,000 people solely for a selfish purpose, hoping thereby to screen and keep the patronage of the Federal Government pertaining to a territory—and we shall hold any party or any people responsible who encourage these sentiments, as contributing to our continued disfranchisement.

Resolved, That we favor a government close to the people, opposed to granting any more public lands for any purpose but for actual settlement, but favor enlarging the rights and privileges of the soldiers who desire to secure homes upon our public domain. And that this convention invokes the immediate action of Congress, by wise and humane legislation, in opening to actual settlement the Great Sioux Reservation, now an unoccupied wilderness containing over thirty thousand square miles within our borders, capable of furnishing homes to over one million people—securing first to each Indian thereon land in severalty of his own selection, granting him full protection under our laws and liberal appropriations for his assistance, civilization and education.

S. F. HAMMOND, Secretary.

J. H. KING, Chairman.

The customary complimentary resolutions were adopted, patriotic songs sung, and at 1 o'clock A. M., Thursday, October 22, 1885, the first republican state convention of Dakota came to a happy termination.

After the adjournment the delegates held six separate judicial district conventions and selected an executive committee for each. For the first district, E. G. Smith and W. S. Bowen, Yankton; second, Hosmer H. Keith, Sioux Falls, and W. B. Wait, Canton; third, John A. Owen, Kingsbury County; fourth, C. H. Dillon and H. S. Preston, Davison County; fifth, Seward Smith and W. C. Allen; sixth, J. W. Nowlin, Pennington County.

A fairly vigorous canvas was made and a number of public meetings held in behalf of the ticket for state officers under the new state constitution, nominated by the republicans. There was but one ticket; the democrats, through the medium of their party organizations, having declined to participate, though many of that party, prominent as leaders, among whom were Bartlett Tripp, Captain Zeibach and M. H. Day, were the strongest supporters of statehood on non-partisan grounds. The matter of vital importance at this time was to get out a full vote of all parties, that Congress and the eastern people might be informed of the urgent need of a state government, and the prevailing sentiment among the people on the statehood question.

There was an active campaign waged for the adoption of the new constitution, for the temporary capital of the state, Huron, Pierre, Chamberlain, Alexandria, Redfield, Watertown all being in the field. As the campaign progressed it became evident that the chief contestants were Pierre and Huron, who appeared to be running "neck and neck." Huron won by a moderate majority, but the campaign left an impression that with a less number of candidates for the institution Pierre would remain a promising rival when it came to a permanent location. The strong points in favor of Pierre appeared to be that it would best accommodate the Black Hills counties and the settlements on the great Sioux reservation which was then in the process of being partially opened, and that it was located

on the Missouri River, insuring an abundant supply of the purest of water. Huron, however, had the James River, was in the midst of an empire of the most productive lands, and more accessible by railway lines than any other point in the territory except Aberdeen. These were valuable advantages and had evidently been properly considered, particularly the latter, by the voters at the first election in 1885. The vote was officially canvassed, as required by the constitution at Yankton, on the 21st of November, and the result declared as follows: For Huron, 12,695; for Pierre, 10,574; for Chamberlain, 3,170; for Sioux Falls, 3,338; for Alexandria, 1,374; scattering, 602. Plurality for Huron, 2,121.

The state board of canvassers convened at Yankton on the 21st of November, in accordance with the constitution, and canvassed the returns of the election held on the second Tuesday of November for and against the constitution and the several separate articles proposed, also for state officers, members of the Legislature, Supreme Court judges, congressmen and circuit judges. The board consisted of the following named members of the state executive committee: Hugh J. Campbell of Yankton, chairman; C. M. Reed of Sully County, secretary; E. C. Bebee of Sioux Falls, John Cain of Huron, S. G. Updyke of Codington County, J. R. Hanson of Yankton County. The board was assisted by Hon. James H. Teller, secretary of the territory, and Dr. D. Frank Etter, superintendent of the Dakota Insane Asylum. The better part of two days was consumed in the canvass. The results found and declared by the board are here given:

Counties	Constitution		Prohibition		Minority Representation	
	For	Against	For	Against	For	Against
Aurora .....	818	100	431	480	296	384
Beadle .....	2,071	280	1,207	1,130	101	747
Bon Homme .....	615	115	319	462	206	497
Brookings .....	1,382	415	277	358	258	295
Brown .....	351	383	447	280	76	520
Brule .....	1,019	116	58	499	...	355
Buffalo .....	183	11	...	95	97	78
Butte .....	...	...	96	...	81	...
Campbell .....	96	129	237	128	224	97
Charles Mix .....	469	41	367	248	50	426
Clark .....	441	114	345	200	246	286
Clay .....	373	144	367	178	70	429
Codington .....	583	64	66	198	134	227
Custer .....	128	48	329	108	238	51
Davison .....	469	52	287	165	102	245
Day .....	360	221	165	231	...	153
Deuel .....	237	135	165	201	...	174
Dickey .....	...	...	...	...	...	...
Douglas .....	716	32	267	440	282	364
Edmunds .....	175	121	185	111	168	88
Faulk .....	620	144	488	280	421	281
Fall River .....	14	...	6	7	5	5
Grant .....	370	161	329	196	269	205
Hamlin .....	98	40	78	66	83	36
Hand .....	646	161	552	295	328	465
Hanson .....	478	111	301	249	172	579
Hughes .....	1,093	93	552	634	500	660
Hutchinson .....	797	122	260	635	247	588
Hyde .....	351	80	254	142	249	136
Jerauld .....	563	41	326	302	185	401
Kingsbury .....	583	170	512	276	508	207
Lake .....	260	141	236	199	112	228
Lawrence .....	1,003	467	103	1,004	84	1,000
Lincoln .....	406	271	464	288	91	630
Marshall .....	110	27	58	90	68	66
McCook .....	405	121	281	219	209	268
McIntosh .....	...	...	...	99	57	69
McPherson .....	56	100	55	...	...	...
Miner .....	454	156	573	217	157	426
Minnehaha .....	1,202	515	1,001	886	525	1,170
Moody .....	484	119	251	334	36	456



Counties	Constitution		Prohibition		Minority Representation	
	For	Against	For	Against	For	Against
Pennington	549	54	126	439	32	529
Potter	273	44	149	150	170	73
Roberts	195	45	138	99	43	125
Richland	...	...	...	...	...	...
Sanborn	465	47	397	151	250	232
Sargent	...	...	...	...	...	...
Spink	1,021	110	604	528	670	292
Sully	687	31	435	220	102	508
Turner	1,254	213	844	704	477	1,009
Union	531	399	395	498	438	344
Walworth	...	...	...	...	...	...
Yankton	637	78	282	455	32	495
Totals	25,138	6,527	15,552	15,218	11,256	16,640

## FOR STATE CAPITAL

Huron, 12,095; Pierre, 10,574; Chamberlain, 3,170; Sioux Falls, 3,338; Alexandria, 1,374; scattering, 602. Huron's plurality, 2,121. Total vote for capital, 31,815.

The following was the number of votes cast for each candidate on the state ticket:

Governor, A. C. Mellette, 28,994. (There was no organized opposition to any of the candidates, but there were 226 votes cast for various persons for governor.) There were from 50 to 200 scattering votes cast for each office.

Lieutenant governor, A. E. Frank, 28,726.

Secretary of state, H. S. Murphy, 28,417.

State auditor, Frank Alexander, 27,323.

State treasurer, D. W. Diggs, 29,170.

Attorney general, Robert Dollard, 29,067.

Superintendent of public instruction, A. S. Jones, 28,406.

Commissioner of school and public lands, W. H. H. Beadle, 28,311.

## FOR STATE SENATORS

1st district, E. C. Ericson; 2d district, J. V. White; 3d district, R. J. Gamble; 4th district, T. O. Bogart; 5th district, F. R. Aikens; 6th district, S. Haines; 7th district, H. L. McClure; 8th district, Theodore Elies; 9th district, G. H. Johnson and C. E. McKinney; 10th district, L. O. Foote; 11th district, E. V. Miles; 12th district, O. O. Stanchfield; 13th district, J. C. Headlee; 14th district, W. B. Cameron; 15th district, S. H. Bronson; 16th district, James McVay; 17th district, V. V. Barnes; 18th district, John Cam; 19th district, J. W. Templeman; 20th district, T. E. Sanborn; 21st district, F. A. Parsons; 22d district, Henry Neill; 23d district, J. C. Adams; 24th district, F. J. Fisher; 25th district, J. Q. A. Braden and J. D. Lavin; 26th district, C. H. Banor; 27th district, C. M. Reed; 28th district, B. J. Templeton; 29th district, F. J. Washabaugh and W. H. Parker; 30th district, G. C. Boland.

## FOR REPRESENTATIVES IN STATE LEGISLATURE

(1) Union County: S. S. Adams, John Dahl and J. Akin; (2) Clay County: D. C. Shull, O. N. Oleson, Jr.; (3) Yankton County: A. L. Van Osdel, L. B. French, J. R. Hanson and Philip K. Faulk; (4) Bon Homme County: J. D. Elliott, Daniel Wileox and John Todd; (5) Lincoln County: Thos. Thorson, R. Z. Burnett, F. H. Treat; (6) Turner County: Thomas P. Ward, T. B. Buchanan and D. C. Turner; (7) Hutchinson County: F. A. Morris, Christian Buechler and Frank Hosmer; (8) Douglas County: F. LeCocq, James Brydon; (9) Charles Mix County: A. G. Jones, W. F. Shaw; (10) Minnehaha County: Lewis Lyman, E. P. Bebee and Lemuel Shaul; (11) McCook County: A. O. Johnston, D. F. Newton; (12) Hanson County: J. R. White, L. P. Chapman; (13) Davison County: George B. Kelsey; (14) Aurora County: J. B. Jenkins, V. J. Cook, G. B. James, J. A. Andrus; (15) Brule County: J. R. Low, J. W. Coe, J. W. Green; (16) Moody County: James Goodsell, John Hobart; (17) Lake County: Geo. W. Wright, A. H. Tuttle, R. L. Munro; (18) Miner County: Thomas P. Pease, John H. Patten; (19) Sanborn County: Robert Doh, John Parterfield; (20) Jerauld County: S. E. Huntley, J. W. Harden; (21) Brookings County: A. W. Hall, Sol. Walters, John Amundson; (22) Kingsbury County: K. Lewis, J. R. Smith, I. F. Dow; (23) Beadle County: J. W. Shannon, C. J. Sheffield, Karl Gerner, I. F. B. Coffin; (24) Hand and Buffalo counties: Joseph Donahue, I. T. Cogan, Hugh Smith, J. Q. Dean, R. F. Sidam; (25) Hyde County: Elkanah Gay, J. R. Goudy, Levi Dingley; (26) Hughes



County: William Summerville, R. W. Letcher; (27) Sully County: Samuel Dewell; (28) Deuel County: Peter Mulholland, M. F. Greeley; (29) Grant County: J. B. Whitcomb, Alonzo Wardell; (30) Roberts County: G. E. Martise, A. J. Ingersoll; (31) Hamlin County: H. P. Ryan; (32) Codington County: T. V. Eddy, J. B. Sweet; (33) Clark County: W. N. Berry, J. W. Cotes; (34) Spink County: Ed Burwell, S. H. Riggs, Thomas Farrell, Thomas Sterling, G. W. Fenn; (35) Faulk County: John R. Dritch, L. M. Bailey; (36) Potter County: J. J. Loveless; (37) Marshall County: H. R. Turner, David Davis; (38) Day County: John Norton, J. O. Trouson; (39) Brown County: J. T. Dow, J. S. Mason, W. C. Allen, J. L. Carlisle, F. H. Sineth; (40) Edmunds County: J. B. Richmond, M. K. Kirk; (42) McPherson County: S. P. Howell; (43) Campbell County: E. H. Crain, J. L. Thompson, A. C. John; (44) Fall River and Custer counties: A. S. Stewart, G. C. Boland; (45) Pennington County: S. P. Wells; (46) Lawrence County: W. W. Smithson, A. J. Knight, Lee A. Weeder, John D. Patton.

#### THE VOTE FOR JUSTICES OF THE SUPREME COURT

First district, D. Corson, 28,661; scattering, 115. Second district, A. G. Kellam, 29,149; scattering, 122. Third district, John E. Bennett, 28,130; scattering, 120.

#### FOR REPRESENTATIVES IN CONGRESS

O. S. Gifford, 29,181. Theodore D. Kanouse, 28,750. Scattering, 184.

#### CIRCUIT COURT JUDGES

First district, E. G. Smith. Second district, H. H. Keith. Third district, D. C. Thomas. Fourth district, C. H. Dillon. Fifth district, Seward Smith. Sixth district, J. W. Nowlin.

The state board of canvassers appointed under the authority of the state constitutional convention met at the courthouse in Yankton on Saturday, the 21st of November, 1885, and, assisted by the secretary of the territory, James H. Teller, opened the election returns from the various counties of the proposed State of Dakota, tabulated them, and declared the result. The board consisted of the following members of the state executive committee—Hugh J. Campbell, of Yankton County, chairman; C. M. Reed, of Sully County, secretary; E. C. Bebee, of Sioux Falls; John Cain, of Huron; S. G. Updyke, of Codington County; Joseph R. Hanson, of Yankton County. D. Frank Etter, superintendent of the Dakota Insane Hospital at Yankton, assisted as clerk. The vote on the constitution and its separate articles was as follows:

For the constitution, 25,182. Against the constitution, 6,522. Majority for constitution, 18,610.

For prohibition, 15,552. Against prohibition, 15,218. Majority for prohibition, 334.

Against minority representation, 16,640. For minority representation, 11,256. Majority against minority representation, 5,384.

There was a sentiment prior to the election that the vote on the constitution would show a diminution of popular interest in the subject, but the canvass of the vote proved that the constitution was the most popular of all the questions submitted, exceeding the vote on the prohibition question by over one thousand.

#### CALLING STATE LEGISLATURE TOGETHER

The following proclamation was issued by the state executive committee, following the canvass of the vote by which the constitution was ratified and adopted:

Whereas, It is enacted by the ordinance of the constitutional convention held at the City of Sioux Falls, adopted September 25, A. D. 1885, that the state executive committee, immediately after the result of the election for the constitution and state officers and temporary seat of government, shall have been ascertained, shall issue a proclamation directing the Legislature elected at said election, to assemble at the place chosen at said election, as the temporary seat of government, on the 2d Monday in December, A. D. 1885, and

Whereas, At said election held by virtue of said ordinance, on the third day of November last, the constitution submitted at said election to the votes of the people of Dakota,

was ratified and adopted by a majority of the votes cast at said election and the same has been legally declared to be, and is in full force and effect as the constitution of the State of Dakota. And

Whereas, The state executive committee have, in connection with the territorial officers legally associated with them, canvassed and compiled the certificates and returns of said election in accordance with law and with said ordinance, and have thereby ascertained as the result of said election, that the City of Huron was duly chosen at said election by the qualified electors of the State of Dakota as the temporary seat of the government;

Now, therefore, we, Hugh J. Campbell, president, Joseph R. Hanson, E. P. Bebee, A. J. Simmons, J. A. Ward, John Cain, and Stephen G. Updyke, members of the state executive committee, by virtue of the authority in us vested by the said ordinance and by law, do hereby call upon and direct the senators and representatives of the Legislature of the State of Dakota, to assemble on Monday the 14th day of December, 1885, the same being the second Monday of December, at the hour of 12 o'clock, meridian, at the said City of Huron, in the County of Beadle, in said state, then and there to organize as the Legislature of the State of Dakota, and to exercise the powers and perform the duties by the constitution devolved upon them as such Legislature.

By order of the constitutional convention.

Dated at Yankton, D. T., November 24, A. D. 1885.

HUGH J. CAMPBELL, President,  
E. P. BEBEE,  
STEPHEN G. UPDYKE,  
JOHN CAIN,  
J. R. HANSON,  
JAMES A. WARD,  
A. J. SIMMONS,

State Executive Committee.  
Attest, C. M. REED, Secretary.

A proclamation was also issued by the state executive committee announcing in official language and at great detail the result of the election, the adoption of the constitution, the number of votes cast for and against said instrument, the number of votes cast for and against prohibition, and minority representation, together with the names of the state officers elected, members of the Legislature, judicial officers, etc., said proclamation being signed on the part of the territorial government by James H. Teller, secretary of the territory, and Daniel W. Maratta, United States marshal, Dakota Territory.

In order that the claim for statehood for South Dakota might find favor with the people of the United States, as well as with Congress, the results of many elections in the older states for the adoption of their constitutions, were compiled and published in connection with the result in South Dakota, and it will be borne in mind that a large number of votes were cast in the negative by democrats who yielded their convictions to the demands of party—they were for statehood, and there was no objection to the constitution.

The following list will show that Dakota could not be objected to because of lack of popular support at the polls. The figures given show the majorities by which the constitutions of the states named were adopted, namely:

Iowa, 1846	450	Florida	3,029
Iowa, 1857	17,300	Georgia	17,068
Nebraska	100	Louisiana, 1844	5,270
Kansas, 1860	4,801	Maryland, 1864	375
Oregon	4,000	Massachusetts	1,862
Wisconsin	10,203	North Carolina	18,000
Arkansas	1,316	Ohio	6,074
Connecticut	1,537	Pennsylvania, 1838	1,212
Dakota, 1883			5,522
Dakota, 1885			18,013

The constitution requiring Hugh J. Campbell, chairman of the state executive committee, to convene the two houses of the State Legislature called to meet at the temporary capital December 14th, and to administer the oath to the members, Mr. Campbell first called the House to order in the Huron Grand Opera House at 12 23 o'clock, Monday, December 14, 1885. Fully 1,000 people were in the hall, the floor and the gallery being crowded. After rapping for

order, he read the list of members to whom credentials had been issued by the committee, each member responding to his name as called. All but eight of the ninety-eight representatives were present, there being no member from Walworth County, owing to no election being held. At the conclusion of the roll call, each member rose and took the oath, read and administered by the chairman. The latter then stated that they were duly qualified as representatives, and their course was entirely in their own hands.

Mr. Green, of Brule, nominated Mr. Turner, of Marshall, for speaker pro tem. The nomination was seconded by Mr. Beebe, of Minnehaha, and Mr. Turner's election was made unanimous. Mr. Cone, of Brule, nominated Thomas McConnell, editor of the Carthage Home, for temporary secretary. Carried unanimously. Prayer was then offered by Rev. J. W. Davis, of Huron, all the members standing.

The permanent organization was then effected on motion of Mr. Elliott, who nominated T. V. Eddy, of Watertown, for permanent speaker, and Mr. Elliott being elected without opposition, he was conducted to the presiding officer's station by Representatives Elliott and Beebe.

Mr. Elliott made a brief speech acknowledging the honor of the position and thanking his fellow-members. McConnell was chosen and continued as chief clerk; Peter Royem, of Yankton, assistant clerk; and Charles A. Neer, of Turner County, sergeant-at-arms. The officers then took the usual oath of office. As explaining why all the officers had been chosen unanimously, the secretary inserted in the minutes that there was but one democrat among the 131 members of both houses, and he did not have party applicants enough to run for the offices.

A joint resolution offered by Representative French, of Yankton, was adopted, requiring the clerk of the House and the secretary of the Senate to make a compilation of the votes for state officers for the use of the Legislature.

Representative Allen's motion to apprise the Senate of the House's organization was adopted, and Messrs. Allen, Carson and Beebe were appointed for that purpose. After a recess the latter committee reported that the Senate would meet the House in joint session at 4 o'clock to witness the qualification of the state officers.

On motion of Representative Levi B. French, of Yankton, a committee of seven was appointed by the speaker to draft rules and order of business, as follows: Messrs. Weeden, Hanson, Robart, Shannon, Wardell, Tuttle and Wilcox. At 4 o'clock the state officers and senators appeared in the hall of the House, where the oath was administered to Governor Mellette and the other state officers. Whereupon the Senate retired, and the House then adjourned until 9 o'clock, Tuesday morning, the 15th. Seventy-four members were present.

At 12.45 o'clock on Monday, December 14, 1885, the State Senate was called to order in Grand Army Hall, by Hugh J. Campbell, who proceeded precisely as he did in the House. Lieutenant Governor Frank, of Lawrence County, then took the chair. John H. Drake, of the Aberdeen Pioneer, was elected secretary, with only two negative votes. Senators Washabaugh, Reed, Barnes, Cain, Gamble, Haines and Braden were appointed a committee on rules.

Prayer was offered by Rev. A. W. Adkinson, pastor of the Methodist Church. The following subordinate officers were then chosen: Assistant secretary, George L. Breckett, Beadle County; enrolling clerk, J. M. Preston, Lake County; engrossing clerk, Thomas Gawin; sergeant-at-arms, T. B. McCoy, Marshall County. A committee, consisting of Messrs. Niell, McClure and Lavin, was appointed to notify the House of the organization of the Senate. The House joint resolution to meet at 12 o'clock Tuesday to elect United States senators, was concurred in. The Senate then adjourned until 10 o'clock Tuesday morning, when the two houses will meet in joint convention and receive the governor's message.

Both houses then adjourned at 2 o'clock until 4 o'clock, when they met and received the governor's message.



A large majority of the members of both houses answered to roll call. The election of two United States senators was to be the only business of the session, except to provide for future sessions. Judge Gideon C. Moody appeared to have clear sailing for one of the senatorships. The other one was in contest between Judge Alonzo J. Edgerton and Hon. Hugh J. Campbell, the former of Davison County, and the latter from Yankton County. Mr. Campbell was on the ground working, while Mr. Edgerton had a large following among the conservative members.

The candidates for the United States senatorial positions on the evening before the election were Hugh J. Campbell, A. J. Edgerton, G. C. Moody, John A. Owen, of Kingsbury County, Seward Smith, of Beadle, and C. G. Williams, of the Watertown land office, and the correspondent stated that none of these, except Judge Campbell, had anywhere near enough to elect. No one could tell who would be hit.

Herewith is presented the first executive message addressed by the governor of the State of Dakota to the first State Legislature. The Legislature assembled at Huron on the 14th of December, pursuant to the authority of the constitution, and after organization, Governor Mellette delivered a most excellent state paper, in words and figures following. This was the first incident of the session on the second day:

Gentlemen of the Senate and House of Representatives:

You have assembled to exercise for the State of Dakota the first governmental functions. You are assembled at the edict of more than a quarter of a million of free American citizens to ordain for them a state government. You come anointed for your work by their ballots, liberty's simple badge of power. Your warrant of guarantee is the Constitution of the United States and the Legislative enactments of the American Congress, written in the blood of patriots shed from Bunker Hill to Appomattox.

I deem it pertinent to call your attention to the peculiar relation sustained by the State of Dakota to the Federal Union. While that portion of the Territory of Dakota south of the 46th parallel unquestionably constitutes a state, *de jure*, and by the present exercise of their functions by the legislative and executive officers becomes essentially a state *de facto*, she has not yet obtained the recognition by Congress to which she is clearly entitled by statutes, precedent, justice and reason.

Michigan was for almost two years a state in the full exercise of her functions, legislative, administrative and judicial, before admission into the Union, and official acts during that period have been fully sanctioned and sustained by the law of the land. Arkansas was recognized and admitted upon like proceedings, as were also the states of Vermont, Kentucky, Tennessee, Maine, Florida, Iowa, Wisconsin, California and Oregon, some of them at the end of long and bitter controversies, accompanied by violence and bloodshed. These victories of the cause of self-government were won by the most exalted courage of American citizenship, supplemented by the most thrilling eloquence of the American forum. They have been fully confirmed by the official judgment of the state and national judiciary, and are grounded forever in that safer final depository of all American liberty, the minds and hearts of the people.

Both the compact contained in the Ordinance of 1787, upon which the State of Michigan rested, and won her cause, and the guarantee contained in the Treaty of the Louisiana Purchase, which was especially evoked in behalf of Arkansas, apply in direct terms and with positive force to sustain the constitution and government of the State of Dakota.

The citizens of Dakota inherit the right of self-government from the Pilgrim Fathers and the Huguenot exiles. The blood of their ancestors in the revolution cries out against taxation without representation, while their own blood and limbs left on freedom's battle-fields entitles them to freedom.

How great soever Dakota's faith in the guides who hold her leading strings, she would walk alone. In truth she has long been of age and needs no guardian. She certainly possesses the best knowledge of and deepest interest in her own welfare, and concedes to no state a more ardent zeal for the common union.

Her sturdy toils on the public domain which they have made to blossom as the rose and yield as the pomegranate, insist that they have some rights and interests which deserve to be conserved by a common voice to give true knowledge; backed by a common voice to give power in the decision of questions affecting the title of their homes, as well as those who model their ideas of the "interior" after that building and its grounds in Washington.

Statehood would also speedily result in a speedy reduction of the Great Sioux, Crow Creek and Sisseton Indian reservations, which would so greatly conduce alike to the welfare of both citizens and Indians. To the former by opening to settlement vast tracts of fertile lands, and to the Indians by bringing them in close contact with civilization and affording



them at the same time means and encouragement to industry and advancement. Forty-four per cent of the area of the entire state is devoted to the occupancy of less than twenty-five thousand Indians, who can use at most but a small fraction of their lands, and would gladly dispose of the remainder. I am rejoiced to observe that the President of the United States recommends to Congress the reduction of these reservations by fifty per centum, an act which would speedily result in doubling the wealth and population of the state and conduce greatly to the comfort of the Indians.

The State of Dakota demands the possession of the lands set apart for her citizens by Congress for the support of their schools, for which they are now taxed almost beyond endurance, while the lands lie idle and begging for the plow, awaiting to unfold their riches to the state and nation.

But why pursue a question which is not debatable? An American Congress does not need to be told why 260,000 American citizens, who have been guilty of no crime, fully equipped and organized as a state, and bringing all the possible prerequisites to meet every test of statehood, should be admitted into the Union. If refused it will be an unwarranted and shameful act of blind partisan lust for power, to remain forever a burning disgrace to the annals of the nation, and the memory of those who perpetrated the crime.

But greatly as the state desires and deserves admission, her people will never accept it with boundaries more extended than at present defined, whose area of 80,207 square miles is more than equal to that of the six New England States combined with New Jersey and Delaware, and in the near future, by aid of self-governing power to be the abode of millions of prosperous people. If they are told they cannot have two United States senators, while the states mentioned, containing a less area, shall have sixteen, they prefer to have none. If her people are to be dependents in fact, they will remain so in name likewise. We adjure the people of North Dakota, in behalf of our common interest, to remain firm in this their often expressed avowal. If under the promptings of personal ambition we were mean enough to accept such injustice ourselves, we cannot be so base as to sacrifice the untold future of generations of freemen to whom we must soon transmit our magnificent heritage.

While I fully appreciate the importance to the state of her boundless mineral resources contained in the Black Hills Region, which, though still in the infancy of their development, now yield annually more than five millions of gold and silver and possess untold wealth of coal, petroleum, salt, mica, tin, copper and building material, and commend to you a subject of their development as of the greatest importance, the fact remains that the state must ever rely upon her agricultural resources for the support of the dense population, which is to constitute her chief greatness and importance as a commonwealth through all times.

The fact that the great and paramount adjustment between various interests of producing and transporting the nation's products, between capital and labor, and which from necessity must ever be an issue of vital importance in the arena of national politics until a happy mean is discovered and established which shall do even and exact justice to all and oppress none, is still unsettled, demonstrate the necessity that the people of this state and of the territorial domain remaining to the United States should insist upon admission to the Union in states of real extent which will afford them at least a respectable representation in the Senate of the United States, one of the co-ordinate departments of national legislation.

The fact that the balance of wealth is now and will remain forever with the East, is rather an argument in support of than against my position, as since constitutional liberty was established and while it exists among men, it must ever be maintained in the interest of the poor rather than the rich, the weak rather than the strong and mighty, as it is the toiling millions who create wealth and power upon earth.

The following official statistics, for which we are indebted to the Hon. Lauren Dunlap, commissioner of immigration for the Territory of Dakota, furnish an argument for division which cannot be questioned. Their absence has been the only excuse ever offered in Congress for refusing for five years the appeals of our people for admission. The population has been ascertained by an accurate census taken by sworn officers, appointed by statutory enactment of the territory of which the state recently formed a part, and by authority also of the Federal Government, and the statistics gathered and compiled in the same manner, and are as accurate as possible to be obtained:

Population, census of 1885.....	263,465
Vote for delegate, November 4, 1884.....	53,650
Vote on constitution, November 3, 1885.....	31,791
Majority for constitution .....	18,661
Number of farms, June 1, 1885 .....	50,264
Number of acres of improved land, June 1, 1885.....	3,754,868
Number of acres under cultivation .....	1,883,058
Number of bushels wheat raised, 1884 .....	12,829,578
Number bushels of oats, 1884.....	11,783,727
Number bushels corn, 1884 .....	7,540,654

Total value of farms, June 1, 1885	187,210,050
Value of live stock	25,950,622
Value of farm products, 1884	17,095,805
Number of schools, 1884	1,835
Number school houses	1,349
Number colleges and universities	8
Number of postoffices	499
Total assessed valuations, 1885	803,272,197
Number of miles of railroad	1,615
Area, square miles	80,297

The following table of comparisons shows whether Dakota is entitled to statehood from precedents established by the admission of former states having the popular support of the movement by the people, and the comparative density of her population, and shows a greater vote cast on the constitution, and when it is remembered that 44 per cent of her area is embraced in reservations, a denser population than any state in the list when admitted.

#### Comparisons:

- Wisconsin, admitted 1848; vote on constitution, 23,591; population, 180,000. Ratio of area to population, 1 in 8.
- Kansas, admitted 1861; vote on constitution, 15,951; population, 112,000. Ratio of area to population, 1 in 7.
- Nebraska, admitted 1867; vote on constitution, 7,774; population, 100,000. Ratio of area to population, 1 in 12.
- Dakota, admitted 1885; vote on constitution, 31,791; population, 263,465. Ratio of area to population, 1 in 8.

While I have not at hand statistics touching her manufacturing, banking and other commercial development, nor of her benevolent societies and institutions, they are all that could be anticipated as the result of the foregoing facts. Her people are peaceable, moral, temperate, earnest, upright, patriotic, many of them scarred and maimed in defense of the Union which they helped to preserve, and for whose crown they bring a new star which they now ask Congress, in the name of their 100 posts of the Grand Army of the Republic, to fix in the diadem of liberty.

The people of Dakota have carved the new state out of the wilds of the prairie in a half decade of years, at a touch of the magical wand of progress. The skeptics of the East, as of old, will not believe until they come and see, when they exclaim in wonder that the half had not been told.

The state is a product from the people, not from Congress. While Congress can endow it with the authority to act, it cannot construct it, else the state were not the "Government of the people, for the people, and by the people." The "enabling act," which has preceded the formation of the constitutions of some of the states, is at most but an invitation on the part of Congress, accompanied by money to pay the expenses incident thereto, to construct a state. The state's admission must in this case succeed the formation of the constitution and its inspection by Congress, which must first pass upon its legality and admit the state, which is already complete as a sovereign state. Congress declined to extend the courtesy of assisting in the formation of our state, as she might, but she can now only deny admission by arbitrary and unwarranted power. As a noted jurist, in delivering a decision in a similar case, expressed it, "because there is no power above to compel it to do its duty."

The only possible argument against the case we present to Congress is that the Civil war materially changed the construction of the Constitution and modified the traditions of American law as to the relation sustained by the states to the Federal Government. It is urged that every precedent upon which we predicate our case is antebellum construction of our unwritten Constitution obliterated by the blood of that awful sacrifice. Upon careful examination, however, we discover that our issue is not involved in or related to the questions settled by the Civil war.

The theory in support of the right of secession was that the rights of the state are original, while those of the Federal Government are derived, and therefore strictly limited to the needs of the state for a larger protection. It would follow from this construction that a state might narrow or enlarge the power of the Federal Government as its necessity or interest might require, or even nullify or secede from the operation of its laws. It is this construction that was overthrown by the war, and which has given place to a newer one never to be effaced from our book of Constitution or severed from the language of our hearts. It is the broad and comprehensive construction of Hamilton as expounded by Webster and sealed by the crisis of war, embracing the grand doctrine that the right of the state and the right of the Federal Government to be, are both original rights emanating from the people of the state and the people of the nation respectively, and therefore neither can limit or nullify the powers of the others as expressed by the people from whom they originate. But neither Hamilton nor Webster nor the apologists for the rebellion, ever maintained the theory necessary to support the objection offered to our procedure and our demand of abso-

lute right to statehood, viz.: "That only the rights of the National Union are original, and that state governments are but charters of privilege, of derived authority to be enlarged, narrowed or suppressed, as national interest of party greed may dictate."

The boundaries of the state have been fixed according to the long avowed and practically unanimous wish, not only of our own citizens but also of the citizens of North Dakota. This common desire has been manifested to Congress during the last five years in every manner possible to this people. It has been repeatedly and unanimously conveyed by the territorial committees of both the great parties, and also by unanimous memorials of the territorial assemblies. It has been urged by the territorial delegates in Congress as well as by delegations of her prominent citizens, repeatedly sent from all sections and representing every possible phase of local, political and popular sentiment, and never has any representative body pretending to possess authority thereto from the people, declared against it.

In 1883 the people of the State of Dakota, in their primary capacity as sovereign citizens of the United States, proceeded to form for themselves a constitution. After a session of sixteen days' duration of nearly one hundred delegates, duly chosen from all the counties by ballot, a constitution was promulgated and afterwards ratified by the people. The charter of the statehood being still withheld by Congress, in 1885 the Territorial Legislature unanimously provided for the formation of a second constitution, and also for a state government thereunder. The convention, consisting of ninety-two members, regularly elected by ballot, remained in session eighteen days and framed a constitution which commended itself to the people, as expressed by their ballots, 25,225 being cast for its adoption, and 6,525 against it. This remarkable vote, representing nearly one-half the suffragists of the state, cast at an election held at the busiest season of the year, without any general canvass or agitation of the subject, and upon an issue which it was conceded would unquestionably prevail, should furnish proof positive abroad of the fact so well known at home, of the practical unanimity of the sentiment of the people in support of the measure. This constitution is republican in form and will commend itself to the nation as pre-eminently fitted to mature and conserve the interests and development of the state. At the regular election which ratified the constitution, officers were also elected to fill the several state, district and county offices as provided by the schedule and ordinance, as were also two representatives to which the state is entitled in the lower house of the National Congress, the state and congressional ticket elected receiving an average of 29,000 votes out of the 32,000 cast.

The question as to the manufacture and sale of intoxicating liquors as a beverage should be prohibited in the state, was submitted as a distinct issue at the election, and 15,570 votes were cast for the proposition, while 15,337 votes were cast against it, so that Article XXXIV thus becomes incorporated in the constitution according to the provision of section 9 of the ordinance and schedule.

The issue of minority representation in the Legislature was also separately submitted, and 11,273 votes were cast in its favor, while 15,765 votes were cast against it. Article XXV accordingly fails to be incorporated in the constitution.

The following was the number of votes cast upon the temporary location of the seat of government, namely: Huron received 12,695 votes; Pierre, 10,649; Chamberlain, 3,232; Sioux Falls, 3,383; Alexandria, 1,374; scattering, 662 votes.

The City of Huron thus receiving a plurality of votes, becomes the temporary seat of government of the state, as provided by section 10 of the ordinance and schedule.

You will thus observe that your convention at this time and place as the first Legislature of the State of Dakota, is regular in procedure, and that in my opinion you constitute the sole law-making power within the limits of the state, subject only to the legislators of the Constitution of the United States, the senators of Congress, and the constitution of the State of Dakota.

Section 32 of the schedule and ordinance of the state constitution, provides as follows:

"Nothing in this constitution or schedule contained, shall be construed to authorize the Legislature to exercise any powers except such as are necessary to its organization, to elect senators of the United States, to provide and pass means and measures necessary, preliminary and incident to admission to the Union, and to assemble and reassemble, and adjourn from time to time; neither to authorize any officer of the executive or administrative departments to exercise any powers of office except such as may be preliminary and incident to admission to the Union; nor to authorize any officer of the judiciary department to exercise any of the duties of his office until the State of Dakota shall have been regularly admitted into the Union, except such as may be authorized by the Congress of the United States."

While this section confines your active functions prior to the admission of the state into the Union to such "means and measures" as may be necessary, preliminary and incident thereto, it leaves you the sole judges as to what means and measures may become necessary from time to time to secure such admission. It, however, indicates to my mind that it is the desire—that it is the intention of the law-makers that you be required to first exhaust all means and measures before resorting to such as would place the authorities of the state in conflict with those of the Government of the United States and the Territory of Dakota.

In view of the fact that our state constitution provides for the continuance of the territorial government, the laws enacted thereunder, and continues the territorial officers in the discharge of their duties until admission into the Union.



I therefore recommend that after fully completing the organization of both Houses, memorializing Congress on such internal matters as may in your judgment seem pertinent to the interests of the state enacting such legislation as may facilitate the labor of succeeding sessions which you are authorized to hold, and after electing two representatives of the state to the United States Senate, you go then adjourn your session subject to such future assembling as you may by law direct. I cannot doubt that the people of our territory, when presented by your legally constituted representatives to matters will forthwith secure the admission of your state. I have faith in the liberal patriotism, sound discretion, and sensitive regard for the right manifested by the President of the United States, to whom that he will be a warm supporter of your cause.

I do not deem it necessary, at this time, to communicate my views upon the general legislation necessary to give vitality to the constitution. I trust, however, that in the near future it may become our duty to further enter into enactments necessary to give full vigor and vitality to the intent and purpose of the fundamental law of the state, and the promotion of her interests, when we should feel above, beneath, and around us, not only the support of the laws of our country, but also the sympathy and sustaining power of the men of the states.

The people of Dakota, so long removed from party strife and ambition, cannot conceive that their fellow citizens, to whom is consigned a brief authority, can be so blinded by selfish motives as to mock our helplessness by the very surfeit of power.

Kansas struggled to statehood through blood, but her course can never excite the sympathy of intelligent statesmanship, as has the contentions persistently shown to the eyes of the people of Dakota. The state has not only demonstrated herself to be capable of administering and maintaining government, being a very land of industry and thrift presenting throughout her domain a model of law and order, sustained virtually without courts, the admiration of all well-minded and liberty-loving people.

While constitutional liberty is still against the steel hand of the invader, it is as delicate as the petal of the rose to the touch of the injustice from within. Robbed of justice, it is robbed of respect. Robbed of respect, it is robbed of its power. Robbed of power, it is robbed of life.

"Outraged contempt, death," is the epitaph inscribed on liberty's tablets adown the mausoleum of time. A wrong to the state is a wrong to the Union. While injustice injures her directly, the gangrene of her wounds is absorbed into every fibre of the body politic of which she is a member. Amputation is deformity. The only remedy is heal and the only eminent righteous justice. She no longer solicits a favor when the province of Congress to grant or withhold. She demands a right granted by law which Congress cannot legally refuse. If her people are content with less than justice, we are unworthy to be freed; if the nation offers less, it is unworthy to exist under the name of constitutional liberty. Dakota is a state, with every possible prerequisite fulfilled, a fact which she knows and will cause Congress to know. She embodies the best effort of the civilization of the age, and the broadest charity the world ever produced, begotten by the religion of Christ, fostered by the Constitution of the United States, under the tutelage of the Declaration of Independence.

Situated in the bosom of the Union, whose great artery cuts her in twain as it presses on to the sea, embracing her mountains of gold, and the limitless expanse of the most fertile soil which laughs at the caress of her happy husbandmen, rejoicing in the most salubrious climate which the sun blesses in his journey, she brings her willing hand and loyal heart—herself—to the sisterhood of states. I have full confidence that your patriotic devotion and courageous manhood will never permit you to betray the sacred trust committed to your keeping, and that you will devise and adopt such "means and measures" in the future as may be found necessary to fully realize the expectations of your constituencies. If their rights continue to be ignored, if their disfranchisement is enforced until the hardships arising from dependency shall reduce them to poverty and starvation, whether to abandon the beautiful land of their adoption and the ruins of the magnificent state in their construction, a land sacred to them by solemn and partial and social engagement, and by the graves of their dead, and return to their former homes which will have passed into the hands of strangers, or to adopt further measures to maintain their rights, will be a question for freemen and the sons of freemen to decide. The prospering of this state cannot long endure in its present condition. Schools, churches, and benevolent institutions must be abandoned or reduced, without the aid of the proceeds of the lands held in abeyance for their support.

Liberty is the touchstone that inspires the civilization of the age. Tyranny long sustained, begets subjects fit for tyranny.

The State of Dakota commits her cause to the decision of the American Congress, and claims for its consideration an interest paramount to the remote people of the Eastern or even of the Western Continent, and expects justice. Being again denied her rights she will carry her cause to the national judiciary, and finally to the people of the Union, with firm reliance upon primary and sovereign capacity as monarchs of even the legislative, executive and judiciary, which are, after all, the creatures of their will. By this verdict they will abide.

A. C. MELLETTE, Governor.



## ELECTING SENATORS

At the election held the following day, after listening to the governor's message, the houses separated and each house voted for senators. In the Senate the contest was between Edgerton and Campbell, it being conceded that Moody would receive every vote. The ballot stood: Edgerton, 27; Campbell, 3.

In the House the vote stood: Edgerton, 53; Campbell, 35. Judge Moody, for second senator, received a unanimous vote.

The issue in the selection of senators was presented in the contest between Edgerton and Campbell, the former insisting that there could be no state government until the state was admitted into the Union, and the latter ostensibly insisting upon the practicability of the Michigan plan of setting up a state government, should Congress refuse admission. Judge Moody's position was well known, as is shown by his letter hereto annexed. He had no confidence in the success of any state movement outside the Union, but there was such confidence in his ability that it was generally conceded that he could do more with Congress, even an unwilling Congress, than any other citizen, and that he would work faithfully to secure statehood.

The Legislature met in joint session on the 15th, and confirmed the election of Judges Moody and Edgerton. In the afternoon of the same day another joint session was held for the purpose of listening to addresses from the senators-elect, both of whom acquitted themselves very satisfactorily. Judge Campbell, though defeated, made a very satisfactory address, and later a joint resolution was adopted, publicly thanking him for his valuable services to Dakota during the long statehood campaign.

Authority was given to the governor, the lieutenant governor and speaker of the House, to reconvene the Legislature at any time. Any two of these officers were empowered to act in this matter. A supplementary memorial to Congress passed, citing the fact of the complete organization of the state government, and requesting Congress to recognize it.

A resolution was introduced later in the House declaring that Dakota would accept nothing less from Congress than statehood. This was intended to shut off any compromise by accepting division, should it be offered, but the resolution was tabled. It was apparent that if admission was refused and division offered, it would be well to take it into consideration, but a contingency of that sort was not seriously apprehended.

There was nothing the Legislature could do in the way of legislation, had it desired, the restraining clause in the constitution forbidding that body from attempting to exercise its functions as a Legislature, barring the way.

At this time the constitutional convention held an adjourned session at Huron, and its members attended the sessions of the Legislature.

On the first day, the 14th, after organization, the two bodies appointed a joint committee of conference, nine of whom were members of the constitutional convention, and twelve from the legislative bodies, for the purpose of considering the proposition to repeal the clause in the schedule and ordinance of the constitution which restrained the Legislature from exercising its legislative authority.

A state executive committee of one from each county was appointed with the following membership: Union County, George Freeman; Yankton County, L. B. French; Lincoln, Thomas Thorson; Hutchinson, C. Buechler; Minnehaha, C. S. Gifford; Davison, R. W. Wheelock; Brule, A. G. Kellam; Miner, Stephen Jones; Brookings, H. H. Natwick; Beadle, S. C. Nash; Buffalo, Joseph Donahue; Hughes, W. Summerside; Grant, A. B. Smedley; Hamlin, H. P. Ryan; Clark, J. E. Bennett; Faulk, J. A. Pickler; Marshall, H. R. Turner; Brown, John H. Drake; Pennington, A. J. Simmons; Clay, John L. Jolley; Bon Homme, Robert Dollard; Turner, A. Haines; Douglas, F. LeCocq; Hanson, Thomas Chapman; Aurora, C. J. Anderson; Lake, George Wright; Sanborn, T. D. Kanouse; Kingsbury, J. A. Owen; Hand, J. M. Templeman; Hyde, John McDowell; Sully,

Samuel Dewell; Roberts, George E. Matice; Codington, H. R. Pease; Spink, G. W. Foster; Potter, W. P. Stone; Day, John Norton, Campbell, Frank Alexander; Lawrence, Samuel Roy.

A state central committee was also appointed consisting of A. C. Mellette, Hugh J. Campbell, Joseph Allen, Turner County; Frank P. Phillips, Brule County; A. Davis, Beadle County; Thomas Sterling, Spink County; Frank J. Washabaugh, Lawrence County.

The governor was advised by a motion unanimously adopted, to call the State Legislature together at as early a day as practicable, and the meeting then adjourned.

#### PROCEEDINGS IN CONGRESS—DEBATE IN SENATE

While the subject of Dakota's division into two nearly equal parts occupied the attention of Congress for a great many years, beginning as early as 1872, and the subject of statehood, naturally, because of its relationship, became prominently a national topic about the year 1880; a climax of interest and discussion similar to that of 1882-83, was reached during the session of Congress beginning in December, 1885, following the adoption of the state constitution framed at Sioux Falls.

The opponents of division and admission, in Congress, viewed all these proceedings as revolutionary, because without authority from Congress. The advocates of division and admission, in that body, approved and defended the proceedings, not only as lawful but sustained by abundant precedents.

Senator Harrison, of Indiana, who had championed the cause of Dakota, introduced a bill to provide for the admission of Dakota into the Union as a state under the Sioux Falls constitution of 1885, which had been formally presented to Congress.

Prior to the introduction of the Harrison bill, a day or two, the president of the Senate laid before the body a memorial from the state executive committee appointed by the constitutional convention of Dakota, praying for the admission of Dakota as a state of the Union, and transmitting a "draft of the constitution for the approval of Congress." The committee's note of transmission is herewith quoted:

To the Honorable President of the Senate of the United States:

We, the state executive committee of the State of Dakota, appointed by the constitutional convention of that part of the Territory of Dakota, situated south of the 46th parallel of latitude, have the honor herewith to transmit to you a certified copy of the constitution of the State of Dakota, and of the memorial from the constitutional convention to the President and Congress of the United States. We have also furnished, through Hon. B. Harrison, United States senator, an engrossed and certified copy of the constitution for presentation to the Senate through the President. Therefore I am instructed, on behalf of the constitutional convention of Dakota, to request you to have the said memorial and constitution duly presented to the Senate of the United States for its consideration and the same be referred to the proper committee and acted upon on the application of said committee, and on behalf of the people of said state, for the admission of the said state into the Union.

Yours Respectfully,

HUGH J. CAMPBELL,

President of the State Constitutional Executive Committee.

JOHN CAIN, E. C. BEEBE, A. J. SIMONS,

JAMES R. HILSON, JAMES A. WOOD,

STEPHEN J. UPDYKE, Committee.

Senator Harrison then stated that the territorial committee only awaited the receipt of the memorial in order to introduce the bill providing for the admission of the territory named, and would introduce the measure at the earliest opportunity.

On the 16th of December, Senator Butler, of South Carolina, offered a resolution directing the Committee on Territories to inquire and report by what authority the so-called Legislature had been organized in the Territory of Da-

kota, and whether such organization was not calculated to bring about a conflict of authority prejudicial to good order in that territory. The senator requested immediate consideration of his resolution, but Senator Ingalls objected, and, under the rules, the resolution was laid over for one day.

The following day the Butler resolution was laid before the Senate, whereupon Senator Harrison stated that he did not think a committee was necessary for that purpose. The efforts of Dakota, he said, were perfectly respectful to the United States. Its new constitution fully recognized the authority of the United States and stayed the hand of the new state organization until the new constitution should be approved by Congress. For six years the people of Dakota had been trying to secure action by Congress looking to their admission. The Senate had passed the bill for their relief, but the bill had not been passed by the other house.

Senator Butler inquired by what authority United States senators had been elected in Dakota.

Senator Harrison replied that he could show that senators had hitherto been elected under precisely similar circumstances, and Dakota had the right to go as far at least as Tennessee, California and Michigan.

Senator Butler responded that if the proceedings in Dakota were regular and proper, no one would more quickly recognize the fact than himself. He had offered the resolution for the purpose of ascertaining facts. He thought the senator from Indiana had worked himself into a passion unnecessarily.

Senator Harrison replied that he was not in a passion. The senator, said he, has never been in a passion, or he would be able to discriminate. Mr. Harrison briefly reviewed the question of the admission of territories, and said that the democrats, at any rate, ought not to question the propriety of the action of Dakota.

Mr. Butler responded that no question of politics was involved.

Mr. Harrison said he was pleased that Mr. Butler took such a statesmanlike view of the subject.

Mr. Butler inquired whether Mr. Harrison would sustain action by the Territory of Utah similar to the recent action of Dakota. (The Mormon question was involved in the Utah measure.)

Mr. Harrison replied that he would, but reserved to Congress the power to approve or disapprove their constitutional power, as was recognized and admitted by Dakota.

Senator McMillan, of Minnesota, said Minnesota had been admitted into the Union without an enabling act, and that democratic senators had been elected, and were ready to take their seats immediately on the passage of the bill for admission.

Senator Vest, of Missouri, democrat, said that the Senate by its report stood committed to the fact that there was no such thing in existence as the State of Dakota. A paper heretofore presented by Mr. Harrison and read from the desk, had borne the words "State of Dakota." The body of gentlemen coming here representing Dakota style themselves the executive committee of the State of Dakota, the chairman being Hugh J. Campbell, who was not unknown to fame since Hayes' administration, and his zealous and not overscrupulous assistance in that administration. That person, as he, Vest, saw by the newspapers who was to receive an ovation for having secured the recognition of the United States Senate for "the statehood of the State of South Dakota."

Senator Plumb said he thought Vest was giving Campbell a good deal of gratuitous advertising. Plumb represented Kansas.

Senator Vest retorted that Campbell was welcome to it. He, Vest, was a lawyer and regarded this Dakota organization as revolutionary. He had no doubt that the intent of the men concerned was to organize a state government in case this Congress should adjourn without organizing the so-called state.



In reply to the remark by Vest as to the condition under which the territories might be admitted into the Union, Mr. Harrison said there was no such thing as breaking into or breaking out of the Union.

Mr. Vest said that if he was talking of "breaking out," "we have settled that." (Mr. Vest was one of the secessionists from Missouri.)

Mr. Harrison:

Then there could have been no point to the senator's remark.

Mr. Vest:

I am not leaving this matter to the senator. He then argued the question from a legal standpoint, and cited precedents to show that the reorganization of Dakota was revolutionary, and he offered an independent resolution to the effect that the memorial from the persons calling themselves "State Executive Committee of Dakota" be considered as coming from private individuals of Dakota.

The resolution was laid over and ordered printed.

Senator Logan thought it unfair for senators to regard the action of Dakota as revolutionary until they should set up a state and undertake the functions of a state.

Senator Butler said he had misapprehended what constituted a state, if the election of senators and judges was not asserting statehood.

Senator Logan said this was done so as to take effect when they should be admitted, as had been done before.

Mr. Butler could remember but one such instance.

Mr. Logan said he could not undertake to correct the senator's recollection of history, but cases of Michigan, Minnesota and Kansas were cited, by republicans.

Senator Plumb said that Kansas presented exactly a similar case to Dakota.

Senator Vest said he had not especially looked up the case of Kansas, although Missouri had some interest in that admission, "for," said he, "a large portion of Missouri's personal property escaped into that state."

Senator Plumb:

"Yes, some that was black."

Senator Vest:

"No, sir, some other, but let that pass." He would not accuse the republicans of needing three electoral votes.

Senator Logan suggested (*sotto voce*) that the reason urged for trying to get a state into the Union might be applied to the attempt to keep a state out.

Senator Harrison attacked the resolution of Senator Butler where it was declared "that the action of the people of Dakota in organizing a state government and electing United States senators was in contempt of the national authority." The senator quoted the concluding relation of the Dakota constitution and the memorial accompanying it, each of which declares that the functions of the government so constituted are to be held in abeyance until favorable action of Congress. Mr. Harrison continued:

The people of Dakota have done only what they had a perfect constitutional right to do, as established by accepted precedents. At least thirteen states have been admitted into the Union whose state constitutions and governments were formed without any previous enabling act of Congress, so that with the original thirteen states the weight of authority is on the side of the Dakota proceedings. In the case of Tennessee the state government was set up and the papers were forwarded to the President with an accompanying notice that on a certain day the territorial government of Tennessee would terminate. These papers were laid before Congress by President Jackson with no word of censure, but with a message of approval.



Senator Harrison said he was glad to see the sensitiveness of the senator from South Carolina to anything like treason, and believed with him that anything like rebellion should be rebuked in its incipency. President Jackson knew nullification and rebellion when he saw it, and did not hesitate to proclaim against it. In the case of Tennessee, despite the peremptory notice to the world, neither the President nor Congress saw anything disrespectful.

The cases of Arkansas and Michigan were presented. Quotations from John Quincy Adams, John Morris and Mr. Raner, as well as from James Buchanan, being read, in which all of them said that the proceedings in Michigan were perfectly orderly and respectful to the national Government, Mr. Buchanan being especially emphatic. These states came in by virtue of the Treaty with Louisiana and the Ordinance of 1787, the privileges of which have been extended over Dakota by four successive acts of Congress. In both these cases the vote in the House was 150 to 40 in favor of admission, and in the Senate there was a pronounced majority, thus settling the question of the right and propriety of the people of a territory to frame a constitution, organize a state government, elect officers, and then come to Congress for the ratification of their act. In the cases of California and Michigan, the state governments were in active operation before admission, and in the former John C. Fremont and William M. Gwinn had been elected senators and were in waiting in Washington, and were sworn in the moment the act of admission was passed.

On the 18th, Senator Butler called up his resolution at the expiration of the morning hour, and at once gave way to Senator Vest, of Missouri, a radical opponent of Dakota, who declared that the Senate had, without its knowledge, endorsed the claims of the people of Dakota to be now in a condition of statehood without respect to the action of Congress. Vest declared this to be their attitude and wanted to know whether any senator would assert that there could be such a thing as a state outside of the Union. If that was not revolution, then the English language had lost its force, and he would like to know what revolution was.

A member said: "You ought to know."

In supporting his position, Vest quoted from the address of Hugh J. Campbell, chairman of the state executive committee, which, he said, was a memorial to Congress, but which in reality was simply an address to the people of the state.

Senator Harrison interrupted him and made the distinction clear, but Mr. Vest continued his assertion that Campbell's address was an authoritative and official expression of the attitude of the people of Dakota, and he had asserted that Dakota was a state without reference or respect to the action of Congress. Vest's whole speech was upon this line, the principal point he made being the exercise by the people of Dakota of the highest act of state sovereignty in their election of United States senators. This, Vest said, had never been done except in one instance.

Senator McMillan, of Minnesota, here interrupted, rehearsing the admission of Minnesota into the Union, from which it appeared that the people of Minnesota had assembled in two constitutional conventions, sitting simultaneously, and at the close of the conventions' sessions the two united in the formation of a constitution. A full ticket of state officers was elected, with General Sibley as governor, he (McMillan) being one of the judges elected. The Legislature elected two United States senators, General Shields and another. Some months before the admission of the state, and at the time these state officers were elected and this state government was formed, the territorial government was in active operation, with Sam Medary, of Ohio, as territorial governor, and nobody at that time pretended that the people of Minnesota were in a state of rebellion.

Senator Plumb, of Kansas, asked Senator Vest if he knew how Kansas came into the Union, and Vest confessed that he did not. He only knew that it got in somehow. Senator Plumb then gave the history of the state under the Wyandotte constitution, showing that the people of Kansas had done precisely as the

people of Dakota had done in every particular, going so far as to elect a member of the lower house, Martin L. Conway, who had been in Washington for months waiting for the admission of that state. Mr. Plumb suggested that the senator from Missouri ought to be intimately acquainted with the history of Kansas, for obvious reasons. Mr. Plumb showed that in the case of Kansas, the boundaries of the state were not the same as the boundaries of the territory, but were identical with the action of the people of Dakota.

The debate over the Harrison admission bill continued through January, 1886, and in the meantime Senator Butler, of South Carolina, introduced another measure as a substitute for the Harrison bill, which was an "enabling act providing for the admission of the Territory of Dakota as a whole, and as one state of the Union, when an election shall have been held under the act, and a constitution, republican in form, shall have been adopted by the people of such territory." The substitute also prescribed in detail conditions to be observed by the proposed state as to public lands and schools. It provided for a convention of 175 delegates to meet in December, 1886, and frame a constitution, which, if satisfactory, the state was to be admitted by presidential proclamation. It was said that the bill was furnished to the senator ready-made by ex Governor Ordway, and other Dakota anti-divisionists, who remained in Washington pursuing the one-state phantom. On this occasion, Senator Butler spoke as follows:

Mr. President. I concede the right of the people of a territory to apply for admission as a state when it has the necessary conditions, but I deny that a territory inherits a right to organize a state government. Congress alone can authorize the transition from a territory to a state, and the exercise of that power by any other body would be bold usurpation. Mr. Butler argued at length in support of this proposition, but produced nothing new, but he contended further that "territories have no right to divide themselves up at their own pleasure and do as Dakota has done in this instance. As to the admission of Tennessee, Kentucky and Maine, these had been carved out of territory belonging to North Carolina, Virginia and Massachusetts, three of the thirteen original states, and under the Constitution, the consent of the Legislatures of these states was all that was necessary, and was taken as tantamount to an enabling act."

In the case of Arkansas and Michigan—two political Titans—slavery and anti-slavery—were approaching each other by converging lines. Michigan represented one and Arkansas represented the other, and both were taken into the Union in an unconstitutional manner. Those cases were cases of compromise—attempts to temporize with the impending irrepressible conflict. It would have been better for the country if the issue had been at that time met and settled, than to have postponed it to a time thirty years later, when the power and capacity of the sections to struggle with each other had so largely increased.

Iowa, Missouri, Wisconsin and Nevada, had come into the Union under enabling acts. Slavery was now dead. The people of the Union are becoming more and more homogeneous. Time has been melting down the asperities that came of conflict. All are happily at peace. Our territories are being occupied by intelligent and hardy pioneers. Why then should we depart from safe, time-honored constitutional rules for the admission of new members into the family of states?

Was there a pressing political exigency lurking behind this movement which impelled it forward with almost unseemly zeal? Was there a purpose to hasten proceedings lest a change might come which might alter the political complexion of the representatives in the National Legislature? I cannot disabuse my mind of such a suspicion, and that a snap judgment will be rendered if we refuse to ratify the present movement.

The action of South Dakota has been ultra vires and void. I have received intimations of fraud in the proceedings taken there—of crimination, recrimination and ringism. Much division of opinion prevails in the territory as to a division on the line of the 46th parallel.

Why not have a fair hearing on the questions involved, so that when Congress meets again it will have material for intelligent action? I can hardly conceive that any personal discourtesy had been intended by the "railroading through the committee of territories of an adverse report on the resolution offered by the senator from Missouri (Mr. Vest), and himself, relating to Dakota. They had been adversely passed upon at the very first meeting of the committee after their reference by the Senate, without notice or opportunity to me to be present at their consideration. Was this haste because of fear that after a full consideration had been given to those resolutions the weakness of the case now made by Dakota would be made manifest, and the motives behind the efforts of the "state executive committee" would be exposed? If Dakota is admitted under the unconstitutional action already taken, we might as well abolish all parliamentary proceedings and judicial forms.

When Dakota shall come here provided with the proper countersign, and it shall be my duty on guard, I will, with pleasure, pass her on to the heart of the citadel of the nation.

The bill was not reported from the committee.

Another measure was introduced in the House by Representative Fredericks, of Iowa, providing for the division of Dakota on a north and south line, which had its initial point on the 49th degree of latitude where said line was intersected by the 23 1/4th degree of longitude west from Washington.

The Fredericks' division bill proposed to divide the Territory of Dakota with a boundary line beginning at the mouth of the Big Sioux River and following the channel of the Missouri River as far north as the northwest corner of Emmons County, on the ninth standard parallel north, thence running a line due north through the counties of Burleigh, Sheridan and McHenry, to the international boundary—the 49th parallel. All the territory west of the river and the line, to be called Lincoln, leaving Bismarck the capital of the new Territory of Lincoln.

The territory east of this boundary was formed into the State of Dakota, with a temporary capital at Redfield or Aberdeen.

Nothing came of either of the measures, which were said to have been the work of Dakotans who were opposed to division.

Senator Harrison's bill for the admission of Dakota under the constitution adopted in 1885 passed the Senate on the 6th of February, 1886, by a vote of 32 to 22, Senator Voorhees, of Indiana, being the only democrat voting for it. Under this bill the portion of the territory north of the 46th parallel was made a territory with the name of Lincoln.

The bill having been transmitted to the House, was reported from the House Committee on Territories about the 1st of June, 1886. There were two reports submitted, a majority and minority. The former report was adverse, and concluded with these words:

The vote by which the constitution of the state was adopted demonstrated the truth of the assertion made by them in these words, "It cannot be said, in view of these facts, that the people of Dakota, and especially of South Dakota, are in favor of the admission into the Union of the southern part of Dakota as a state."

This reasoning was based on the assumption that the vote did not show that a majority of the people had voted upon the proposition; that the members of the democratic party had largely abstained from voting, and that the voters of the northern half had been given no voice in the election which divided the territory. The committee might have offered an amendment to the bill requiring a vote of the whole territory on the question of division, and might also have required the people of the southern half to vote again on the adoption of the constitution had it been at all willing to afford the people their right to a state government, but this was not the plan of the democratic majority, which had already prepared and introduced a bill providing for the admission of the entire territory as one state.

The minority report supported the action of the people of the territory, whose representatives had in the first instance through the Territorial Legislature authorized the holding of the constitutional convention, showing the consent of the northern section to the division, and all that followed, up to the adoption of the constitution and all else connected therewith.

The minority report, by five members of the House committee, stated:

The people of Dakota, and especially of South Dakota are in favor of admitting into the Union the southern part as a state; that every fact justifies, and every consideration demands and establishes beyond question, the claim of Dakota to immediate admission into the Union. We beg to submit that the majority have erred in failing to suggest any proposition by way of amendment to the pending Senate bill, by which the people of Dakota may be afforded their rights, under the constitution, to admission.

The majority report was adopted, but the Sioux Falls constitution survived.



## REPRESENTATIVE HILL, OF OHIO, A CHAMPION OF DAKOTA'S INTERESTS.

Sen. Benjamin Harrison and Rep. William D. Hill, the former of Indiana, and the latter a democrat of Ohio, were the champions of Dakota's interest during the long session of Congress beginning December 4, 1885, and lasting nearly ten months. Hill was a democrat. There was a great deal of information regarding the rights of the people of the territories disseminated. The public had an opportunity to learn, if they read the news of the day closely, much regarding the Constitution of the United States and the authority it conferred on Congress to rule the territories, or rather the power it did not confer. There had been no rule established by the national government, either in the legislative or judicial departments, that provided a method by which new states were to be admitted. The most learned and experienced statesmen in the country, when asked in what manner a territory should proceed to gain admission into the Union as a state, would usually reply that it was necessary that the territory should have a population sufficient to entitle it to a member of Congress, but would qualify this by adding that this requirement had not always been insisted upon. Beyond this he would be unwilling to say further than to cite the State of California, which had never had a territorial government; Texas had an independent republic of her own and simply consented to be annexed, reserving the right to divide herself into five additional states at her discretion; Michigan, where the people set up a state government and were governed by it, ignoring the territory, for some time before being admitted; Kansas, where no questions or content of Congress had been asked until the state presented itself with its Wyandotte constitution and state organization and demanded admission. And other states where a procedure somewhat different from any of the states that had traversed the way to statehood, showing that there was not only no defined rule nor even an authoritative precedent. It seems remarkable that a matter of so much importance to our nation and to the states should have been left to—Providence, fortunately.

Colorado was admitted in 1876, winning the distinction and title of the Centennial State, and she participated in the election of the President chosen that year, the contest being between Hayes, republican, and Tilden, democrat. It will be remembered that the result of this election was so close that it required an electoral commission to decide it, and the democrats held that if they had kept Colorado out another year it would have given them the Presidency. And in the Dakota case the control of the United States Senate and the election of a President were powerful factors in influencing the minds of eastern statesmen and democratic congressmen and republican congressmen also. The story has all been told in preceding pages.

Now in 1886, South Dakota had her constitution adopted—the same that she was finally admitted under; she also had her senators and congressmen elected and commissioned, and her state officers elected and sworn; her Legislature elected and organized, and only awaited the invitation of Congress to step into the sisterhood of states, and take her part in the legislative work of the Nation. But the Committee on Territories of the House, controlled by Mr. Springer, apprehensive that a large number of democratic members would vote for the admission and division bills, as a matter of justice, delayed their reports until so near the close of the session that a vote on the bills was not reached.

Harrison had put the Dakota bill through the Senate by the force of his aggressiveness, which was a prominent characteristic of the Indiana statesman. It is the man behind the bill in a legislative body that usually aims, if he has a meritorious measure.

Congressman William D. Hill was a democrat and had been elected from a close Ohio district, going in on the bill vote that swept Mr. Cleveland into the Presidency. It will be observed that a new President has a House of Representatives of his party elected with him as a rule. But Mr. Hill was, nevertheless, an ardent supporter of Dakota's claims to division and statehood. He had introduced a bill early in the session for the division of Dakota. Originally, he



had provided for separate elections in the northern and southern sections, the dividing line being the 40th parallel, and if either section voted a majority against division it would defeat the proposition. Reflecting upon the apparent injustice of this provision, which would give the minority an equal power with the majority if that minority happened to carry either section, the author of the bill voluntarily struck out that provision, and left the victory to the majority vote of the whole territory. Mr. Hill was a member of the Committee on Territories and was not satisfied with the non-action policy of the committee. He took the liberty of reporting his own bill to the House accompanied by a most valuable review, showing that he was master of the historical as well as legislative history of the territorial subject. His report left no tenable ground for an opponent to occupy. Because of its historical value it should be interesting to the people of the Dakotas, and is here reproduced:

The undersigned cannot fully agree with all statements made in the majority report of the committee on territories, on Senate bill 967, "providing for the admission of the State of Dakota into the Union, and for the organization of the Territory of Lincoln." Nor can the undersigned give his consent to a favorable report on House bill No. 8120, providing for the admission of Dakota as a whole into the Union, and hereby gives his reasons for his dissent therefrom.

The undersigned agreed with the majority that Dakota should not be admitted under Senate bill No. 967, because all of the people of the territory were not consulted fairly on the question of division, and in the formation of the constitution for the proposed state of Dakota. I cannot agree with the conclusion reached by the majority in their interpretation of section 3 of article 4 of the Constitution of the United States, which is as follows:

"New states may be admitted by Congress into this Union, but no new state shall be formed or erected within the jurisdiction of any other state, nor shall any state be formed by the junction of two or more states or parts of states, without the consent of the Legislatures of the states concerned as well as of the Congress."

As applied to the division of a state already in the Union, the construction of this provision of the constitution by the majority is undoubtedly correct, but as applied to the division of a territory, I claim this provision of the constitution has no application at all. On the other hand, I believe that Congress has the undoubted power to divide a large territory into two territories, or to consent, by proper legislation, to a division thereof by the people who are qualified electors therein.

As stated by the majority, Dakota has 149,000 square miles, and by the census of 1885 a population of 415,000, probably now 500,000. The fact that Texas has a large number of square miles, and has not divided, is no reason, in the opinion of the undersigned, why Dakota should not be divided. It is a fact presumably known by every member of Congress, that the admission or rather the annexation of Texas to the Federal Union was without precedent in our national history. That before Texas consented to become a state of our Union she reserved the right to her people, by solemn treaty stipulations, to divide the territory into five states without the consent of Congress, and that those treaty obligations make a higher law than any act of Congress.

The fact that the people of Texas have not seen fit to divide their territory does not alter the paramount fact that the Government of the United States, through the chosen and constitutionally appointed representatives, conceded to the people of Texas the absolute right to do so, nor can the undersigned see the force of the argument of the majority, that Montana, New Mexico, Arizona and Wyoming have a larger number of square miles than the two sections of Dakota would have if the territory were equally divided. This Congress knows, and the people of the country know, that nearly every acre of the Territory of Dakota is susceptible to a high state of cultivation, and that the soil and climate of that territory make it capable of sustaining as dense a population as any of the western states. Though open to settlement but a few short years, it is conceded by the majority that the population of Dakota already exceeds that of eight states of the Union and four of the original thirteen states. It now has a larger number of presidential postoffices and a larger revenue therefrom than any other territory, though younger in its organization, and larger than eleven states of the Union. The undersigned cannot agree that the number of square miles of any territory should constitute a state. Five hundred millions of square miles of sterile rocks and mountain canyons, such as composed a large part of Arizona, Colorado and Nevada, mentioned by the majority, would never make a state. More wheat can be grown in one county in Dakota than in 200,000 miles of a country like Pike's Peak.

The undersigned is under the impression that it requires a large number of intelligent people, with bone, muscle, mind and patriotism, with proper facilities for development, to constitute a state. All of these each section of Dakota has already, or soon will have, more than any other territory as a whole, more than any of the New England states, than any state on the Atlantic seaboard except New York and Pennsylvania, and equal to any of the middle, western or southern states.

As to representation in Congress, in the event of division, it will have to be conceded that it will make no difference as to numbers and power in the House of Representatives. There would, it is true, at some time in the future, be two additional United States Senators, from a great western state, who would represent, before the year 1900, more square miles of territory, more people and more wealth, and as much intelligence, as five of the New England states, with the State of Delaware combined.

The six New England states with New Jersey, Delaware and Maryland, are now represented by eleven members in the United States Senate, and thirteen in the House of Representatives. Other senators of the nine largest states who represent one-half the population of the entire Union. While finding no fault with the balance of power given to the smaller states of the original thirteen, in the Senate, but truly believing in the wisdom of the framers of our Government in providing for this original representation in the Senate, the undersigned cannot see the wisdom of this great disproportion when we have the power to correct it in this single instance by consulting the wishes of a half million people in Dakota in the partition of a division of that territory.

Dakota is a part of the Louisiana Territory. If divided, it will still be larger than any state yet carved out of the Louisiana Purchase by act of Congress and the people, and yet Dakota is as capable of sustaining as great a population as any state in the Mississippi Valley, has developed more rapidly than any of said states, or any other territory ever organized by Congress.

The undersigned cannot agree with the majority, that Congress ought to exercise absolute power over the people of a territory, without consulting the wishes or wants of that people concerning questions of local and internal policy. Even before the adoption of the Constitution of the United States, Thomas Jefferson, who ought to be good authority on questions of public policy, and who is now the best authority to the undersigned, was of the opinion that the people of a territory should be consulted on questions which were to bind them to certain conditions for all time to come.

In an able article, written by Stephen A. Douglas, in 1859, that great senator and patriotic Democrat stated Mr. Jefferson's views and his own in Harper's Magazine of that date, and from which I quote:

"On the last day of March, 1784, Thomas Jefferson and his colleagues in Congress executed the deed of cession in pursuance of the act of the Virginia Legislature, which was accepted and ordered 'to be recorded and enrolled among the acts of the United States in Congress assembled.' This was the first territory ever acquired, held or owned by the United States. On the same day of the deed of cession, Mr. Jefferson, as chairman of a committee which had been appointed, consisting of Mr. Jefferson, of Virginia; Mr. Chase, of Maryland, and Mr. Howell, of Rhode Island, submitted to Congress 'a plan for the temporary government of the territory ceded or to be ceded by the individual states to the United States.'

"It is important that this Jeffersonian plan of government for the territories should be carefully considered for many obvious reasons. It was the first plan of government for the territories ever adopted by the United States. It was drawn by the author of the Declaration of Independence, and revised and adopted by those who shaped the same which produced the Revolution, and formed the foundation upon which our whole American system of government rests. It was not intended to be either local or temporary in its character, but was intended to apply to 'all ceded or to be ceded,' and to be perpetual in its duration and eternal in its duration, wherever and whenever we might have territory requiring a government. It ignored the right of Congress to legislate for the people of the territories without their consent, and recognized the inalienable right of the people of the territories, when organized into political communities, to govern themselves in respect to their local concerns and internal policy. It was adopted by the Congress of the Confederation, on the 23rd day of April, 1784, and stood upon the statute books as a general and permanent plan for the government of all territory which we then owned or should subsequently acquire, with a provision declaring it to be a 'Charter of Compact,' and that its provisions should stand as 'Fundamental conditions between the thirteen original states and those newly described and admitted, under rule ten by the consent of the United States in Congress assembled, and of the particular state within which such alteration is proposed to be made.'

"Thus this Jeffersonian plan for the government of the territories—the 'Charter of Compact'—these fundamental conditions,' which were declared to be 'unalterable,' without the consent of the people of 'the particular state (territory) within which such alteration is proposed to be made,' stood on the statute books when the Convention assembled at Philadelphia in 1787, and proceeded to form the Constitution of the United States."

Now let us examine the main provisions of the Jeffersonian plan:

First, "That the territory ceded or to be ceded by the individual states to the United States, whenever the same shall have been purchased of the latter, shall be offered for sale by the United States, shall be formed into additional states," etc.

The plan proceeds to designate the boundaries and territorial extent of the proposed "additional states," and then proceeds:

Second, "That the settlers within the territory so to be purchased and offered for sale, shall either on their own petition or on the order of Congress, receive authority from them, with appointment of time and place, for their meeting and electing representatives to be sent

purpose of establishing a temporary government, to adopt the Constitution and laws of any one of these states (the original states), so that such laws shall be nevertheless subject to alteration by their ordinary Legislature, and to erect, subject to a like alteration, counties or townships for the election of members of their Legislature."

Having thus provided a mode by which the first inhabitants or settlers of a territory may assemble together and choose for themselves the constitution and laws of some one of the original thirteen states, and declare the same in force for the government of their territory temporarily, with the right on the part of the people to change the same, through the local Legislature, as they may see proper, the plan then proceeds to point out the mode in which they may establish for themselves a "permanent constitution and government," whenever they shall have 20,000 inhabitants, as follows:

Third, "That such temporary government only shall continue in force in any state until it shall have acquired 20,000 free inhabitants, when, giving due proof thereof to Congress, they shall receive from them authority, with appointments of time and place, to call a convention of representatives to establish a permanent constitution and government for themselves."

Having thus provided for the first settlers a "temporary government" in these "additional states," and for a "permanent constitution and government," when they shall have acquired 20,000 inhabitants, the plan contemplates that they shall continue to govern themselves as states, having, as provided in the Virginia deed of cession, "the same rights of sovereignty, freedom and independence," in respect to their domestic affairs and internal policy, "as the other states," until they have a population equal to the least numerous of the original states, and in the meantime shall keep a sitting member in Congress, with a right of debating but not of voting, when they shall be admitted into the Union on an equal footing with the said original states. And "Until such admission by their delegates into Congress any of the said states, after the establishment of their temporary government, shall have authority to keep a sitting member in Congress, with the right of debating, but not of voting."

Attached to the provision which appears under the third head in this paper is a proviso containing five propositions, which, when agreed to and accepted by the people of said additional states, were to "be formed into a Charter of Compact," and to remain "unalterable," except by the consent of such states, as well as of the United States, namely:

"Provided, That both the temporary and permanent government be established on these principles as their basis:

"1. That they shall forever remain a part of the United States of America.

"2. That in their persons, property and territory they shall be subject to the government of the United States in Congress assembled, and to the articles of confederation in all those cases in which the original states shall be so subject.

"3. That they shall be subject to pay a part of the federal debt contracted, or to be contracted, to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other states.

"4. That their respective governments shall be in republican form, and shall admit no person to be a citizen who holds any hereditary title."

The fifth article, which relates to the prohibition of slavery after the year 1800, having been rejected by Congress, never became a part of the Jeffersonian plan of government for the territories, as adopted April 23, 1874.

The concluding paragraph of this plan of government, which emphatically ignores the right of Congress to bind the people of the territories without their consent, and recognizes the people therein as the true source of all legitimate power in respect to their internal polity, is in these words:

"That all the preceding articles shall be formed into a Charter of Compact; shall be duly executed by the President of the United States in Congress assembled, under his hand and the seal of the United States, and shall be promulgated and shall stand as fundamental conditions between the thirteen original states and those newly described, unalterable but by the joint consent of the United States in Congress assembled, and of the particular state within which such alteration is proposed to be made."

This Jeffersonian plan of government embodies and carries out the ideas and principles of the fathers of the Revolution, that the people of every separate political community (dependent colonies, provinces and territories, as well as sovereign states), have an inalienable right to govern themselves in respect to their internal polity, and repudiates the dogma of the British ministry and the Tories of that day, that all colonies, provinces and territories were the property of the empire, acquired with the common blood and common treasure, and that the inhabitants thereof have no rights, privileges or immunities, except such as the imperial government should graciously condescend to bestow upon them.

This plan recognizes by law an irrevocable "Compact," the existence of two distinct classes of states under our American system of government, the one being members of the Union, and constituting the original thirteen and such other states, having the requisite population, as Congress should admit into the Federal Union, with an equal vote in the management of federal affairs, as well as the exclusive power in regard to their internal polity respectively. The other, not having the requisite population for admission into the Union, could have no vote or agency in the control of federal relations, but possessed the same



exclusive power over their domestic affairs and internal police, respectively, as the original states, with the right, while they have less than twenty thousand inhabitants, to choose for their government the constitution and laws of any one of the original states; and when they should have more than twenty thousand but less than the number required to entitle them to admission into the Union, they were authorized to form for themselves "a permanent constitution and government," and in either case they were entitled to keep a delegate in Congress with the right of debating, but not of voting. The "Charter of Compact," with the "fundamental conditions," which were declared to be "unalterable," without the joint consent of the people interested in them, as well as the United States, thus stood on the statute book un repealed and unrepealable, furnishing a complete system of government for all territory "ceded or to be ceded" to the United States, without any other legislation upon the subject, when on the 14th day of May, 1787, the Federal Convention assembled in Philadelphia and proceeded to form the Constitution under which we now live.

Thus it will be seen that the dividing line between federal and local authority in respect to the rights of those political communities which for the sake of convenience, and in contradistinction to the states represented in Congress, we now call territories, but which were then known as "states," or "new states," was so distinctly marked at that day, that no intelligent man could fail to perceive it.

Having thus divided the powers of government into three appropriate departments, with which they had always been familiar, they proceeded to confer upon the Federal Government substantially the same powers, which they as colonies had been willing to concede to the British Government, and to reserve to the states and the people the same rights and privileges which they as colonies had denied to the British Government during the entire struggle which terminated in our independence, and which they had claimed for themselves and their posterity as the birthright of all free men, inalienable when organized into political communities, and to be enjoyed and exercised by counties, territories and provinces, as fully and completely as by sovereign states. Thus it will be seen that there is no organic feature or fundamental principle embodied in the Constitution of the United States which had not been familiar to the people of the colonies from the period of their earliest settlement, and which had not been repeatedly asserted by them when denied by Great Britain during the whole period of their colonial history.

Let us pause at this point for a moment and inquire whether it be just to those patriots and sages who formed the Constitution of the United States to assume that they intended to confer upon Congress that unlimited and arbitrary power over the people of the American territories which they had resisted with their blood when claimed by the British Parliament over British colonies in America?

Did they confer upon Congress the right to bind the people of American territories in all cases whatsoever, after having fought the battles of the Revolution against a "preamble" declaring the right of Parliament "to bind the colonies in all cases whatsoever?"

If, as they concluded before the Revolution, it was the birthright of all Englishmen, inalienable when formed into political communities, to exercise exclusive powers of legislation in their local legislatures in respect to all things affecting their internal polity—slavery not excepted—did not the same right, after the Revolution, and by virtue of it, become the birthright of all Americans, in like manner inalienable, when organized into political communities, no matter by what name, whether colonies, territories, provinces, or new states?

Names often deceive persons in respect to the nature and substance of things. A signal instance of this kind is to be found in that clause of the Constitution which says: "Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."

This being the only clause in the Constitution in which the word "territory" appears, that fact alone has doubtless led many persons to suppose that the right of Congress to establish a temporary government for the territories, in the sense in which the word is now used, must be derived from it, overlooking the important and controlling facts that at the time the Constitution was formed the word "territory" had never been used or understood to designate a political community or government of any law, compact, deed or cession, or public document, but had invariably been used either in its geographical sense to describe the superficial area of a state or district of country, as in the Virginia deed of cession of the "territory or tract of country" northwest of the River Ohio, or as meaning land in its character as property, in which latter sense it appears in the clause of the Constitution referred to, when providing for the disposition of the "territory or other property belonging to the United States."

These facts, taken in connection with the kindred ones that during the whole period of the confederation and the formation of the Constitution, the temporary governments which we now call "territories" were invariably referred to in the deeds of cession, laws, compacts, plans of government, resolutions of Congress, public records, and authentic documents, as states, or "new states," conclusively shows that the words "territory and other property" in the Constitution were used to designate the unappropriated lands and other property which the United States owned, and not the people who might become residents of the lands and be organized into political communities after the United States had parted with their title.

It is from this clause of the Constitution alone that Congress derives the power to provide for the surveys and sale of the public lands and all other property belonging to the United States, not only in the territories, but also in the several states of the Union. But for this provision Congress would have no power to authorize the sale of the public lands, military sites, old ships, cannon, muskets, or other property, real or personal, which belong to the United States and are no longer needed for public purposes. It refers distinctly to property in contradistinction to persons and communities. It confers the same power to "make all needful rules and regulations," in the states as in the territories, and extends wherever there may be any lands or other property belonging to the United States to be regulated or disposed of, but does not authorize Congress to control or interfere with the domestic institutions or internal polity of the people (either in the states or territories) who may reside upon the lands which the United States once owned. Such a power, had it been vested in Congress, would annihilate the sovereignty and freedom of the states as well as the great principle of self-government in the territories wherever the United States happened to own a portion of the public lands within their respective limits, as at present in the states of Alabama, Florida, Mississippi, Louisiana, Arkansas, Missouri, Illinois, Indiana, Ohio, Michigan, Wisconsin, Iowa, Minnesota, California and Oregon, and in the territories of Washington, Nebraska, Kansas, Utah and New Mexico. The idea is repugnant to the spirit and genius of our complex system of government, because it effectually blots out the dividing line between federal and local authority, which forms an essential barrier for the defense of the independence of the states and the liberties of the people against federal invasion. With one anomalous exception, all the powers conferred on Congress are federal, and not municipal, in their character, affecting the general welfare of the whole country without interfering with the internal polity of the people, and can be carried into effect by laws which apply alike to states and territories. The exception being in derogation of one of the fundamental principles of our political system (because it authorizes the Federal Government to control the municipal affairs and internal polity of the people in certain circumscribed and limited localities), was not left to vague inference or loose construction, nor expressed in dubious or equivocal language, but is found plainly written in that section of the Constitution which says:

"Congress shall have power to exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may by cession of particular states and acceptance by Congress become the seat of government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the state in which the same shall be for the erection of forts, magazines, arsenals, dock yards, and other needful buildings."

No such power to "exercise exclusive legislation in all cases whatsoever," nor indeed any legislation in any case whatsoever, is centered on Congress in respect to the municipal and internal polity either of the states or of the territories. On the contrary, after the Constitution had been finally adopted, with its federal powers delegated, enumerated and defined, in order to guard in all future time against any possible infringement of the reserved rights of the states of the people, an amendment was incorporated into the Constitution which marks the dividing line between federal and local authority so directly and indelibly that no lapse of time, no partisan prejudice, no sectional aggrandizement, no frenzied fanaticism, can efface it. The amendment is in these words:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."

This view of the subject is confirmed, if indeed any corroborative evidence is required, by reference to the proceedings and debates of the federal convention, as reported by Mr. Madison.

It is sufficient to say that the position then taken by Mr. Douglas was sustained by his party in Congress, and in the presidential campaign of 1856. It is true the right vouchsafed to the people of Kansas, under the leadership of Douglas, was a right, among other things, permitting them to decide by a popular vote whether Kansas, which was then organized by the division of the Territory of Nebraska, should become a free or a slave state. But if Congress could permit the 15,000 people of Kansas to decide whether that territory should be doomed to human bondage forever, it might with far greater propriety allow a half million of people in Dakota to have a voice in the division of that territory, or any other question of internal polity.

The undersigned agrees with the majority that the people of Dakota would, at some time in the future, have a voice in the election of a President and vice president, and the undersigned cannot see any reason why they should not. A less number of people in New Hampshire, Vermont, Florida, Oregon, Colorado, Nevada and Delaware have already participated in the election of President and vice president, and the undersigned can see no reason why a larger and equally as intelligent population should not at some time in the future have the same privilege in Dakota. The people of Dakota now expend three million annually for school purposes. They have more miles of railroad, better railroad facilities, more colleges, schoolhouses, and a larger number of small cities, than many of the states. They emigrated from the states to that territory, and their development of it in all that is required to found a great state is without precedent in all our history. Because her young and enterprising population has seen fit to endure the hardships and privations of a pioneer

life for a few years forms no reason, in the opinion of the undersigned, why their wishes, so often repeated in their territorial legislative assemblies, in accordance to the popular will, should not be consulted by Congress.

The right of petition in this country has ever been held sacred. All political power is inherent in the people, and the people have a greater right to instruct members of Congress than members of Congress have to instruct the people. The vast number of petitions signed by many thousands of people of Dakota, referred to the Committee on Territories, and the expressions of the public press, impress the undersigned with the belief that this Congress ought not to attempt to force upon that people a condition of things which they do not want.

The undersigned, for the purpose of ascertaining the true wishes and wants of these people, prefers to ignore all the conflicting statements which have been made to this Congress from time to time by self-constituted representatives, town lot speculators, state capital leaders, and office seeking politicians, by first referring this question of division of the territory on the 5th standard parallel rather than the 49th parallel, because that division will not require a division of counties, townships, and farms, as would be required by a division on the 49th parallel. The fact that the 5th standard parallel is but three or four miles south of the 49th parallel of latitude would make no material difference to the people of that territory as to the dividing line, if they want one.

For the reasons herein above given, the undersigned believes that a respectful consideration of the subject makes it the duty of Congress to first refer this question of division of that territory to a full vote of the people thereof, fairly ascertained by proper legislation, after which Congress can take proper steps to admit to the sisterhood of states Dakota and North Dakota, after the people of the two territories, once established, have taken the proper steps to organize state governments under the authority of enabling acts submitted by Congress and subject to the approval of the people.

For the reasons above stated, the undersigned respectfully reports that the passage of House Bill No. 7379 would better conform to the condition of affairs in Dakota, and is at least an act of but just concession to the rights of the people of said territory.

Respectfully submitted,

W. D. Hill.



## CHAPTER CX

### DAKOTA'S SENATORS PAY PRESIDENT CLEVELAND A VISIT

1885-86

THE FARGO WATERWAY CONVENTION—BIG STONE AND LAKE TRAVERSE CONNECTION—PRESIDENT AND DAKOTA COMMITTEE—ADDRESS TO THE PRESIDENT—OPTIMISTIC DAKOTANS—SEVENTH STANDARD BOUNDARY—DEMOCRATIC HOUSE CAUCUS ON DAKOTA QUESTION—DAKOTA STATE LEGISLATURE CALLED TOGETHER—GOVERNOR'S MESSAGE—REPEALING RESTRAINING CLAUSE—MOODY AND CAMPBELL—MOODY'S LETTER—LOUNSBERRY, OF BISMARCK—JUDGE CAMPBELL'S EFFORTS AND HIS REWARD—DIVISION SENTIMENT DID NOT CHANGE—DEMOCRATIC PARTY'S RECORD IN DAKOTA ON DIVISION.

#### A WATERWAY CONVENTION AT FARGO

About the last of December, 1885, a territorial convention was called to meet at Fargo, January 12, 1886, for the purpose of discussing various public questions, particularly the proposition to divide Dakota on the 46th parallel. While it was declared to be a territorial convention, the call for it included only the following named counties, which indicated that the convention was designed to secure only a partial sentiment on the subjects to be discussed, to-wit:

Counties named: Barnes, Burleigh, Billings, Benson, Bottineau, Cass, Cavalier, Dickey, Emmons, Eddy, Foster, Grand Forks, Griggs, Kidder, LaMoure, Logan, McLean, Mercer, McHenry, McIntosh, Morton, Nelson, Pembina, Ransley, Ransom, Richland, Rolette, Sargent, Stark, Steele, Stutsman, Towner, Traill, Villard, Walsh, Wells, Buford, Flannery, Renville, Ward, Garfield, Allred, Dunn, Oliver, DeSmet, Hettinger, Grant, Day, Codington, Hamlin, Potter, McPherson, Faulk, Walworth, Mountrail, Wynn, Stevens, Wallace, McKenzie, Williams, Sheridan, Bowman, Roberts, Marshall, Brown, Deuel, Clark, Spink, Edmunds, Campbell.

And the call concluded with an invitation to the unnamed counties, all in the southern half, thirty-five in number, in the following paragraph:

No portion of Dakota is excluded from sending delegates upon the basis given. The counties mentioned in the call are urgently requested to send full delegations, as the questions to be discussed are matters of importance to every citizen.

It was somewhat remarkable that inasmuch "as the matters to be discussed were of importance to every citizen," that the counties containing nearly one-half of the population were refused a place in the call, and did not feel that they would be welcome at the gathering and declined the rather discourteous manner in which they had been indirectly invited. It was plain that they were not wanted. The questions to be discussed at the convention were given out, thus:

1. The project to connect the waters of Big Stone Lake and Traverse Lake.
2. The Supreme Court decision relative to North Pacific land patents.
3. The proposed division of Dakota and the admission of the south half—division without admission—and admission as a whole.

While the convention was a movement of parties interested in the northern half of Dakota, and favoring something beside admission of the southern half

and a consequent division of Dakota, its leaders were apprehensive that they could not trust the safety of the real design to go before the public, which had to do with division and admission, and to give support to the Butler one-state bill then before the Senate, therefore the other questions were adjourned and real procedure. That the friends of division in the north were watching the matter was shown in the following note of warning given out by the Fargo Republican a week in advance of the assembling of the convention. Here is the quotation:

It may as well be taken for granted that the opponents of division will seize any opportunity afforded to make capital out of the convention. Whether they shall succeed depends upon the watchfulness of the advocates of division. If the latter passively permit the former to select themselves as delegates to the convention, they can be depended on to do it. If the friends of division take any interest in the matter there will not be an opponent of division in the convention, for there is not a community in all North Dakota where the advocates of division are not overwhelmingly in the majority. The Republican hopes to see the press of the territory earnestly call the attention of the friends of division to the danger of not attaching sufficient importance to the work of selecting delegates to the convention. Let the delegates be selected at public mass meetings, and let only those be named who are known to be in sympathy with the wishes of the community they are to represent.

The convention was well attended from Northern Dakota counties, but as Hon. R. E. Wallace, of Jamestown, was chosen temporary president and Henry Dickey, of Dickey County, temporary secretary, it is proper to add that there were no delegates present from the counties of South Dakota.

Committees were appointed on credentials, on permanent organization, and on programme. Those on credentials were Messrs. Plummer of Traill, Bray of Grand Forks, Ryan of Cass, Mapes of Nelson, Dickey of Dickey, Johnson of Ransom and Wing of Barnes.

On permanent organization: E. P. Wells of Stutsman, Alex. Griggs of Grand Forks, E. P. Gordon of Dickey, S. G. Roberts of Cass, Charles Bilodeau of Wells, D. F. Ellsworth of Sargent and J. O. Kjolsberg of Traill.

On programme: McLaren of Steele, Jordan of Cass, Stevens of Cavalier, Breed of Ransom, Root of Barnes, William C. White of Stutsman and George H. Walsh of Grand Forks.

In all these committees the name of no delegate from south of the 46th parallel appears, and we must infer that even those southern counties named in the call declined the courtesy. There were eighty-three delegates present representing fifteen counties. Waldo M. Potter, of LaMoore County, was made permanent chairman, indicating that the divisionists were in the lead, but it was not the division the people desired, for the convention finally supported a resolution to divide on the Missouri River, according to the Fredricks bill. This was rescinded before adjournment and the following adopted as the sense of the convention on the division and admission question:

Whereas, Steps have been taken at the seat of government at Washington looking to the immediate slicing of all or some of the Territory of Dakota, and admitting as a whole or part with a view toward an admission into the Union, and the members of Congress having these questions under consideration, and no good way any way hindering them in their action, be it

Resolved, That this convention take no action whatever on this question of admission and division, either on both, and reserve no further resolution thereon, either mandatory or advisory.

Resolved, That the citizens of the entire Territory of Dakota have pledged in its submission to its present position of presentism, and to all of the consequences therefrom entailed, and it is the sense of this convention that the name Dakota should be given to the section of the present territory to the exclusion of any other section.

Resolved, That all resolutions heretofore referred to any committee to be fully referred back to this convention with the recommendation that they be laid upon the table.

Without hereby deciding upon the merits of the Butler bill and without assuming hereby to endorse the same, be it

Resolved, That the said bill should not be passed through the present Congress of the United States without first incorporating therein the amendments proposed in these resolutions.

In addition to the foregoing the convention passed a resolution requesting Congress to appropriate \$400,000 for the purpose of building a waterway connecting Big Stone Lake and Lake Traverse. Also a resolution requesting the secretary of the interior to issue to the Northern Pacific Railroad patents for its land, in order that it might be required to pay taxes on the same.

It had been the desire of citizens of Minnesota and Dakota, living in the vicinity of Big Stone Lake and Lake Traverse, to have a waterway connection constructed by the Government that would connect the two lakes by a navigable channel, and Congress had been petitioned in regard to the project. In response to the petitions the secretary of war was authorized to have an examination made by competent army engineers of the proposed artificial strait, and report the result of the examination. Accordingly, in the spring of 1885, a survey and estimate of the proposed work was made, an account of which was officially reported to the secretary of war, as follows:

Big Stone Lake is almost twenty-five miles long and from one-half a mile to one mile in width, being, in fact, an enlargement of the channel of the Minnesota River, and near the sources of that stream. It is separated from Lake Traverse by a strip of land about five miles in width. The examination authorized was for the purpose of ascertaining the practicability and cost of connecting the two lakes. Nothing is said in the instructions about any further improvement upon or in connection with the lakes.

The connection between the lakes would have to be by means of a canal lock, and with proper lake approaches, etc., constructed at great expense, probably, including damages, \$400,000. The connection might result in securing competition between two railroads. But the improvement of the Minnesota River, from the outlet of Big Stone Lake to its junction with the Mississippi River, would be necessary for the products of the country under consideration to reach their markets independently of railroads. And also the improvement of the Bois de Sioux and Red rivers to Breckinridge, at heavy cost, so as to afford egress from the lakes in that direction, would, it seems to me, be simply bringing the products to the same railroads that now tap the country adjoining the lakes. It does not appear that the advantages to the public consequent upon connecting Big Stone Lake and Lake Traverse would be by any means proportional to the expense involved in making and maintaining the connection.

Nothing further was done by the Government regarding that waterway.

It did not appear in the further progress of legislation at Washington that the action of this convention produced any change in the current of legislation, but it was manifest that it disclosed no weakening of the strong division sentiment in the northern portion, where the hostility to division was claimed to be quite general. The convention revealed nothing more than was generally known, that a comparative few of the prominent men in that section were sympathizing with the efforts of ex-Governor Ordway, who, at his post in Washington, was endeavoring to defeat division by delay, and was assisted by the element headed by Ordway Johnson and Hon. Abraham Boynton, of Lincoln County, and were said to be furnishing Mr. Springer, of the House, and Senators Butler and Vest, of the Senate, with the ammunition they were using to show that the sentiment of the territory was very much divided on the question of division.

#### PRESIDENT CLEVELAND AND THE DAKOTA STATE COMMITTEE

There appears nothing of record to prove that President Cleveland made any statement during the long pendency of the Dakota division and admission question which would commit him in favor of or against the division of the territory. Dakota had been knocking at the door of the Union for two years prior to Mr. Cleveland's inauguration, and the Dakota question was the principal one his administration had to deal with, involving, as it finally did, the admission of four states simultaneously, or virtually so, an increase of sovereign states, under one administration and at one time, unprecedented in the annals of the United States. The only clue we get of his desire in the matter of the admission of Dakota as one or two states is the long delay in appointing a successor to Governor Pierce. He had doubtless settled, in his own mind, that he would give the place



to Lewis Kossuth Church, whom he first appointed from New York to the fifth district judgeship in Dakota, for reasons heretofore stated, and his subsequent delay in appointing a governor for Dakota may be accounted for by his desire to appoint a citizen of Dakota to that office; the delay afforded Judge Church abundant time to qualify as a legal resident of the territory before he was appointed to the governorship. Judge, or rather Governor Church, proved to be a persistent promoter of the one state for the entire territory plan, the same plan that Congressman Springer so persistently and industriously labored for, and from this circumstance it might be inferred that the President favored that plan. But on the other hand Senator Voorhies, of Indiana, who subsequently led the President's forces in the repeal of the silver purchasing act, was a supporter of the Harrison bill, which provided for division and admission, though this may have been influenced as a matter of courtesy to his Indiana colleague. It would seem from the President's leaning toward eastern influences or predilections, that he preferred to see Dakota come in as one state, but he kept aloof from any entangling alliances in the affair. His appointments, unless that of governor was an exception, were made apparently without reference to the state issue. Captain Ziebach was the choice of 60 per cent of the rank and file of the democratic party of the territory, but he was transferred to the receivership of a U. S. land office, and the governorship was left unappropriated until Judge Church had served his probation as a citizen of the territory. There was a factional opposition to Ziebach, led by some of the one state democrats, and aided by ex-Governor Ordway, who lived at Washington and was acquainted with the democratic leaders, that might justify the President in believing that Ziebach's appointment would aggravate the schisms that divided the councils of Dakota democrats, hence he felt justified in turning a deaf ear to the importunities of several thousand Dakotans, and Ziebach was moreover a pronounced divisionist.

In January, 1886, the Dakota delegation from the constitutional convention of 1885, and also representing the new state government, composed of Governor Mellette, U. S. Senators Moody and Edgerton, Representatives Kanouse and Gifford (who was also the delegate) and others, visited Washington, the officials to lay before Congress and the President the proceedings had in Dakota in forming a state constitution and adopting it, and the election of state officers, all for the purpose of gaining admission into the Union as a state. The visit and interview with the president forms an important event in our territorial history, and we are afforded an opportunity to give an authentic account of the interview from one who was present and who wrote under date of January 19, 1886, as follows:

President Cleveland gave a very respectful, attentive and considerative hearing to the Dakota delegation this afternoon, and listened to their arguments in favor of division and admission to statehood under the provisions of the state constitution, supplemented by the Harrison Senate bill. The delegation was composed of Senators Harrison, Moody, Edgerton, Representatives Kanouse and Gifford, Governor Mellette (who has been elected governor under the new constitution), and John H. Drake.

Mr. Cleveland gave them over an hour of his time, and the whole subject in every possible phase of its bearings was talked over, and he left a very favorable impression upon the minds of his guests.

Senator-elect Edgerton was the principal spokesman for his people, and his arguments are worthy of the most careful perusal of the citizens of the whole country, giving as they do the most comprehensive and clear statement of the cause he and his colleagues represented. The senator said:

"We are grateful, Mr. President, for an opportunity in the first place of assuring you that our people are not revolutionists; that everything done by us has been done in the most orderly manner and in accordance with established precedents; and in the next place for an opportunity to lay before you the reasons that have induced our people to take the steps they have.

"The Territorial Legislature in 1885 passed a law, approved by the governor, for a constitutional convention for that portion of the territory south of the 46th parallel of latitude. The convention met at Sioux Falls and prepared a constitution, which was ratified by a vote of the people by a majority of over eighteen thousand votes. While that convention was in session preparing the constitution, several questions arose and were discussed,

showing the temper of that body. When the bill of rights was under discussion the following amendment was proposed, taken from some older declaration of rights, and still retained in some of the state constitutions:

"All political power is inherent in the people, and all true government is founded on their authority and is instituted for their equal protection and benefit, and they have the right at all times to alter, reform or abolish their form of government in such manner as they may think proper."

"After a full discussion the convention voted down the amendment and adopted the following substitute:

"All political power is inherent in the people, and all free government is founded on their authority, and it is instituted for their equal protection and benefit, and they have the right, in lawful and constitutional methods, to alter or reform their form of government in such manner as they may think proper; and the State of Dakota is an inseparable part of the American Union, and the Constitution of the United States is the supreme law of the land."

"And again, after the constitution and the schedule had been reported to avoid the possibility of misconstruction and the more clearly to define the purposes of the convention, the following section was added:

"Section 32. Nothing in this constitution or schedule shall be construed to authorize the Legislature to use any of its powers except as to organization, to elect United States senators, to provide and pass means and measures necessary, preliminary and incident to admission, and to assemble and reassemble, and to adjourn from time to time; neither to authorize any officer of the executive or administrative departments to exercise any power of his office except such as may be preliminary and incident to the admission of the state into the Union, nor to authorize any officer of the judiciary department to exercise any of the duties of his office until the State of Dakota shall have been recognized and regularly admitted into the Union by the Congress of the United States."

"It will take, Mr. President, a very astute lawyer to detect anything revolutionary in the proceedings of that convention. But it has been said that there was no authority for calling the constitutional convention; in other words that the law enacted by the Legislature is without authority and consequently void. I will not examine the question as to whether the organic act passed by Congress, investing the Legislature with the power 'to legislate upon all rightful subjects of legislation,' not prohibited by that act, gave the territorial Legislature power to provide by law for a constitutional convention or not."

"That is not necessary for our present purpose. When statutes are silent, precedents make law. While the Constitution of the United States provides that Congress shall have the power to admit new states, it nowhere provides in direct terms or by implication what steps shall be taken in the matter of bringing a new state to the attention of Congress, or how or by whom the first steps shall be initiated. The precedents have varied. In many cases Congress has initiated the proceedings by providing for a constitutional convention. In other cases, and not a few, the convention has assembled by the authority of the people of the territory. This was the case in Tennessee, and many of the founders of the government recognized the right of Tennessee to pursue the course she did. In addition to the somewhat precedent of Tennessee, Michigan had no enabling act but President Jackson transmitted her constitution to Congress with a special message on the subject, as Washington had done before in the case of Tennessee. California had no enabling act, or even the authority of a local Legislature. The convention that formed the constitution under which Florida was admitted into the Union was convened by virtue of an act of her Territorial Legislature in the same manner we did. We would likewise respectfully call attention to the admission of Iowa, Oregon, Nevada, Arkansas and Wisconsin. We confidently claim that our course was justified by abundant precedents."

"Some have claimed that Dakota was pursuing an unusual and revolutionary course in electing officers. I think the parties who make this charge have not fully read history in connection with the admission of other states. In nearly every case, so far as I am informed, the state, prior to its admission, has elected its state officers. In Minnesota, with whose history I am most familiar, when the constitution was submitted to a vote of the people in October, 1857, a full state and legislative ticket was elected. The Legislature assembled in December, 1857, and elected two senators. Three members of Congress had been elected at the fall election, and the senators and three congressmen thus elected came at once to Washington and remained here until the following day, when the senators and two members of Congress were sworn in. I think the precedents on this question are nearly all one way."

"It has been said by some few that the people of Dakota do not desire division on the 46th parallel. I invite your attention to the evidence on the question. The Legislature of 1871 passed a memorial to Congress by a unanimous vote to divide the territory on the 46th parallel. Two years later a similar memorial was passed, with but four dissenting votes in both houses. Again in 1875 another memorial was passed, with but one dissenting vote in both houses. Again in January, 1877, another like memorial passed both houses unanimously. Again, at the next session in 1879, a protest against the admission of the territory as one state was passed. At the next session a memorial was passed asking a division into three territories. In 1883 a bill for a constitutional convention for South Dakota was passed, but failed to become a law for want of the governor's approval. At the

last session of the Legislature provided the law providing for the territorial government, and the same law provided for a territorial government. The law provided for a territorial government parallel. The Legislature is composed of twenty-four members of the council and forty-eight members of the house. Upon this vote there were twenty-three ayes in the council and no nays, and in the house forty-eight ayes. Thus it will be seen that at every session of the Legislature for the past fifteen years the representatives of the people have been pronounced and nearly unanimous upon this question of division. What better mode has any one for determining the will or choice of the people? The party convention of each party composed of delegates from the whole territory declared in favor of division in 1884, and in this connection I desire to read the resolution of the Press Association of South Dakota, passed at its Huron meeting:

"Resolved, That we are in full sympathy with the proposition that under no circumstances shall we endorse any move looking to anything less than the division of Dakota into the 46th parallel, and the admission of the south half into all the privileges and immunities enjoyed by all states of the national Union.

"Resolved, That the members of this convention devote their time, energy and ability to the promotion of the success of the movement for the statehood of Dakota, and earnestly urge upon the people to enter heartily, earnestly and persistently into the work, to the end that its great influence may be brought to bear in the movement as at present constituted."

"Another evidence of the desire of our people upon this question is the fact that for a number of years, whenever a public institution has been provided for in South Dakota, a like institution has been provided for by law in North Dakota. The law has located one university at Vermillion, in South Dakota, and one at Grand Forks, in North Dakota; one penitentiary at Sioux Falls, South Dakota, and one at Bismarck, North Dakota; one insane hospital at Yankton, South Dakota, and one at Jamestown, North Dakota; and so on with other institutions. The supporters of the movement are not confined to one party. The first convention which met at Huron to initiate the proceedings for the constitutional convention was presided over by a well-known democrat, formerly a member of Congress from Illinois. The first constitutional convention which met at Sioux Falls in 1883 was presided over by a very eminent lawyer and a democrat, the present distinguished chief justice of our Supreme Court. In view of these facts we claim there can be no question as to the desire of our people on the subject of the division of the territory upon the 46th parallel, as provided for in the constitution now submitted to you and to Congress.

"The next and perhaps more vital question is this: That portion of Dakota south of the 46th parallel now prepared for admission has been a territory longer than any territory which has heretofore been admitted into the Union. Its population is over 203,000. It has more and better equipped public institutions than any territory ever had. It has a system of free schools, supported entirely by taxation and deriving no aid from the reserved grant of the 11th and 36th sections of the public lands now lying idle. Last year we expended for school purposes \$1,200,000. That part of Dakota now applying for admission has 50,237 cultivated farms, averaging in size less than 200 acres. The people have 724,482 head of horses and cattle. They own 450,000 head of sheep and hogs. They raised in 1884 7,553,030 bushels of corn, 11,783,000 bushels of oats and nearly 13,000,000 bushels of wheat, and as much more the past year, but I have not been able to ascertain accurately the exact amount.

"There has been some criticism about the propriety of dividing Dakota. The founders of the republic never contemplated the idea of a few large states, but rather a greater number of small and medium-sized states. Notice how guarded they were as to the size of the states to be carved out of the northwestern territory. The ordinance of 1787 provided that Congress should divide the territory into not less than three nor more than five states. Now if Congress had determined to divide that territory into as large states as possible it would have averaged less than that portion of Dakota now seeking admission. If Dakota is divided the new state will have 77,000 square miles, making it the eighth state in size in the Union—larger than Ohio and Indiana combined—larger than Virginia, West Virginia, Maryland and Delaware combined.

"Considering then all these questions, Mr. President, that Dakota has been a territory so long, that her population is so great, that her industries are so large, that every condition and purpose of territorial life has been subserved, that the proposed constitution is republican in form, and that our people have so long and so patiently awaited the will of Congress, we confidently expect the approval of just men who will give the subject an intelligent and impartial consideration.

"It has been suggested in some quarters that while Congress makes annual appropriations for certain expenses we should not be anxious for admission. This is a narrow view of such a question, and I maintain that when a territory has fulfilled all these conditions and still desires to remain a ward, Congress would better emancipate her, willingly or unwillingly, unless there are exceptional reasons to the contrary. If a people who have fulfilled all the conditions of territorial tutelage, who have the wealth, the numbers and the intelligence, entitling them to emancipation, should willingly and uncomplainingly remain in that inferior condition, it would be an evidence of their incapacity for emancipation and self-government.

"On behalf of our people I thank you, Mr. President, for this opportunity to explain our position."



The President showed a decided interest in the subject, and evidently regarded it as the most important question that had been presented for his consideration, which it undoubtedly was. He said that many features of the subject, as presented, were new to him. He stated to the delegation in the course of an informal conversation that the question should be impartially considered from a judicial view of right and justice, solely without regard to its partisan aspect. He impressed the members of the delegation with the belief that he proposed to consider it on that basis. He assured the delegation that he would give the matter careful consideration, and do what he thought right in the premises.

The delegation was so favorably impressed with the interview that they thanked the President with much warmth for the sincere interest he had shown in Dakota's cause, and retired much gratified with the interview.

#### DAKOTANS CONFIDENT OF ADMISSION

The friends of the admission of the state who formed the delegations sent to Washington in the winter of 1885-6, as bearers of the new constitution, memorial, etc., and to promote the cause of admission under the Sioux Falls constitution, were smilingly sanguine of their success after they had been at the capital a few days, had met the President officially, and had been cordially greeted in a social way by multitudes of people of all shades of politics. So much were they encouraged and primed with confidence in ultimate success that they began to express some pity for their opponents. Delegate Gifford wrote to some of his friends and to some of the papers in the territory that "the bill for the admission of South Dakota (Harrison bill), under the Sioux Falls constitution, will pass the House even if it goes before that body under an adverse committee report;" and Senator Moody expressed the same opinion. The senators were both confident, and determined that at least one of them should remain there constantly keeping things straight, and as Senator Edgerton was obliged to return to Dakota to look after important private business, it was arranged that Moody would "keep the bridge" alone until Edgerton's return, and then Moody was to have a leave of absence to visit his domestic hearth in Deadwood for a few days. This anticipation was positively exhilarating and imparted a most pleasing charm to the greetings of our embryonic officials while it lasted.

Hon. Melvin Grigsby was among the Dakota visitors to Washington during the winter of 1885, having been sent by the Sioux Falls people to secure the appointment of Sioux Falls as a place for holding the United States court in case the state was admitted. Delegate Gifford and Mr. Grigsby agreed upon a plan for holding the court in four places, Sioux Falls being one, and Rapid or Deadwood another. Senator Harrison, who had the reporting of the Dakota admission bill in charge, was favorable to this plan, but the new senators from Dakota, particularly Senator Moody, disagreed with them and favored establishing the seat of the court at the capital, though in so doing Moody was depriving his section of a term of the court. The Harrison bill failed to pass, however, and nothing came of the work that had been done, but at that time Mr. Grigsby said that the prospects were quite encouraging for admission during the session then being held. Prominent democrats had openly expressed a determination to favor Dakota.

#### THE SEVENTH STANDARD BOUNDARY

It was confidently asserted at Washington that the territory would be divided, but the intelligence came that the dividing line would be the seventh standard parallel, and not the 40th parallel of latitude. Congressmen were objecting to the boundary on the parallel of latitude, because it was an imaginary line, and would divide counties and bring on litigation. The friends of division were in agreement for the change, believing it would be more satisfactory to the people along the boundary. It would give to the northern half a five-mile strip across

the territory from the eastern to the western boundary, and increase the area of Northern Dakota considerably, making it at least two thousand square miles greater than its southern sister.

Early in April the friends of admission and division were satisfied that the House Committee on Territories were not intending to report the Harrison bill at this session, and Delegate Gifford had come to the conclusion that there was no chance for admission, and as to division alone, while he hoped to secure it, he could make no prediction. The democratic members of the Committee on Territories, constituting a majority, appeared to have come to an understanding with themselves that they would disagree among themselves, refuse to vote upon any of the Dakota measures, while professing ardently desiring to do something for the territory. But by scattering themselves over the several Dakota propositions, and refusing to agree upon the Senate's bill for statehood, or upon anything else connected with Dakota's division, no particular measure could obtain a majority vote, and thus no measure could be reported. The democrats felt, undoubtedly, that they ought, justly, to do all that Dakota asked—that there was no legitimate reason for refusing. But the spectre that stood in their way was the loss of power. The admission of Dakota would be a blow at democratic supremacy in the nation. The division of Dakota would be two blows in the same direction, for both of them were populous enough to demand admission. Then there was Washington Territory, safely republican on national issues, demanding admission, and while Montana could also be admitted, it was looked upon as a doubtful state (and so it proved). Thus the democrats were in a most perplexing predicament. Justice was appealing to them to overthrow the brief supremacy of their party in national affairs by admitting their political enemies to the citadel of the Union where they were morally certain to accomplish the defeat of their party at the next election. It was fortunate Justice was blind. It was also deaf.

The Congressional caucus was a potent weapon in the hands of statesmen and politicians who knew how to use it. The many indications that scores of individuals, members of Congress, democrats, had expressed themselves as favorable to the division of Dakota Territory, was the foundation of the optimistic sentiment that had grown up at this time, 1885-86, and the confidence felt that Congress would pass the division bill at this session, and possibly the Harrison Senate bill that provided for division and the admission of the southern half of the territory under the Sioux Falls constitution. Mr. Springer was quoted as stating that he believed a division bill would get through the House unless a caucus should be called on the subject. The Harrison bill was pending in the House at this time, and the moderate wing, and the wiser one, of the democratic side, led by Hill, of Ohio, held that the division of the territory, nor the admission of a state, were party questions, and were not legitimate subjects for a party caucus to decide, but the majority of the party held the opposite opinion, and were inclined to use it in case it became necessary to check the growing sentiment in favor of Dakota.

However, the day of adjournment came, and Dakota had made no progress toward her desired haven.

#### DAKOTA AT HOME

An adjourned session of the constitutional convention was held at Sioux Falls, beginning May 4, 1886. The meeting had been provided for by the convention of 1885, as a measure of prudence, in order to take advantage of any favorable disposition on the part of Congress, which body had now had abundant time to consider the Dakota questions. The senators and governor and representatives elect had journeyed to Washington and presented a copy of the constitution, with Dakota's request for admission, to the President and the presiding officers of the two congressional bodies, and Senator Harrison had been able to put his bill granting statehood under the Sioux Falls constitution through the

Senate; and while it was at this time in the hands of the Committee on Territories of the House, there was a strong sentiment in the minds of that committee, led by Mr. Springer, not to report the bill to the House at all, fearing that it might be passed, owing to the friendliness of a number of democrats for it. It had also transpired that Mr. Springer had introduced or was about to introduce a bill for the admission of the territory as one state and permit no opportunity for even a vote on the division question.

With the defeat of the Harrison bill perished the last opportunity for a territorial government for North Dakota alone. While the people of the territory would have accepted division cheerfully, without statehood at the same time, Congress was not disposed to grant it. Neither republicans or democrats appeared to approve of such a measure, though a large number might have voted for it because they were more or less committed.

But when the division question was presented on its merits it was difficult to find a good reason for it, as the Washington statesmen would view it. It would mean simply a larger number of offices, national as well as territorial, hence an increase of taxation to support the extra number, and without any apparent advantage. As long as the national Government retained the territory in vassalage, two territorial governments would not have relieved the situation, and hence the state government would afford the only relief, and the success of the South Dakota measure would afford Northern Dakota its only opportunity of experiencing the benefits of division under a territorial charter.

The democratic party of Dakota was divided. That made little difference to matters within the territory, but it cut quite a large figure at Washington, where one of the factions led by Hon. Abraham Boynton, democrat, under the experienced and skillful pilotage of ex-Governor Ordway, was laboring to promote the one-state plan. Hon. M. H. Day, democratic national committeeman, was also there holding up the division side of the controversy. Ordway's knowledge of Washington ways and his extensive acquaintance with senators and representatives, which he once referred to in a private interview with Editor Caldwell, of Sioux Falls, enabled him to make good use of Mr. Boynton, whose position as an anti-division democrat from Dakota, Ordway could magnify, in talking to congressmen, into an army several scores of thousands strong, back on the plains of Dakota. Mr. Boynton was never before in a position where he attracted greater attention or was the subject of more comment.

Mr. Cleveland apparently paid no particular attention to the division question. He treated Dakotans cordially, and no significance attached to the fact that among his first year's appointments he selected two leading divisionists for two of the most important positions in the territory, Bartlett Tripp for chief justice, and Maris Taylor for surveyor general, and he must have known that Tripp was a staunch divisionist.

An important step was taken at this session of the constitutional convention. In the statehood movement there had been a radical and a conservative faction. The former was in favor, in case Congress neglected to provide for the admission of the state at the session then being held, to proceed with the state organization and set up a state government. This faction was led by General Campbell. The conservatives were opposed to taking this step, regarding it as revolutionary and likely to offend the friends of the territory in the country at large. This faction was represented by Judge Edgerton more particularly, but he was numerously supported; still it would appear that the Campbell faction outnumbered the other in the convention. Hence at this adjourned session in May, 1886, a resolution, which is herein given, was adopted:

Resolved, That we recommend, if Congress shall adjourn without action upon the claims of Dakota for division and admission, or division, the constitutional convention should reassemble and submit to the people at the November election the question of the repeal of section 32 of the schedule and ordinance of the constitution.



The section referred to read as follows:

Section 32. Nothing in this constitution or schedule contained shall be construed to authorize the Legislature to exercise any powers except such as are necessary to its organization, to elect United States senators, to provide and pass means and measures necessary, preliminary and incident to admission to the Union, and to assemble and reassemble and adjourn from time to time. Neither to authorize any officer of the executive or administrative departments to exercise any powers of his office except such as may be preliminary and incident to admission to the Union, nor to authorize any officer of the judiciary department to exercise any of the duties of his office until the State of Dakota shall have been regularly admitted into the Union, except such as may be authorized by the Congress of the United States.

With this action completed, the constitutional convention adjourned until July 12th after adopting a recommendation to the July meeting to submit to a vote of the people at the November election the constitutional amendment abolishing section 32. The members of the convention at this session, at least a large majority, favored starting the machinery of the state unless Congress took favorable action before it adjourned.

The constitutional convention met in adjourned session at Sioux Falls July 13, 1886. All officers were present and sixty delegates. Only thirty-eight were required for a quorum. The main purpose of this adjourned meeting was to consider the repeal of section 32 of the ordinance and schedule of the constitution which had been framed and adopted in the fall of 1885, which section prohibited the carrying into full effect the organization of the state government. There was considerable debate over the proposition to repeal, participated in by Judge Kellam of Chamberlain, Judge Edgerton of Mitchell, Judge Campbell of Yankton, Mr. Haines of Hughes and others, Mr. Haines being the author of the restraining clause which it was desired to repeal; and finally a vote was taken on a resolution submitted by Mr. Coffin, of Huron, who represented a conference of members, which brought the question of repeal squarely before the convention.

Resolved, That this convention submit to a vote of the people at the next general election in November the repeal of section 32 of the schedule and ordinance.

Campbell, Owen, Rev. Joseph Ward and J. K. McCullum supported the resolution, and Judge Edgerton, Mr. Haines and Hon. Jerry Geehon, of Lincoln County, opposed it. Mr. Geehon stated that he was opposed to division, anyway, and favored the admission of the territory as one state. The vote resulted:

**Ayes**—Allen, Baker, Campbell, Coffin, Conniff, Goddard of McCook, Gunder-son, Hanson, Huntley, Jones, McCullum, Owen, Prondicot, Sheets, Stone, Tych-  
**sen, Ward of Yankton, Weatherwax, Wilcox and Williams—20.**

**Nays**—Ashton, Beebe, Berdahl, Buchler, Dahl, Dollard, Dorr, Dow, Fellows, Geehon, Gifford, Goddard of Minnehaha, Gray, Gregory, Haines, Kanouse, Kel-  
lam, Maynard, More, Murphy, Neill, Oaks, Patten, Taylor, Undyke, Walton,  
Ward of Hughes, White, Wright of Lake, Wright of Brookings, Edgerton—31.

The negative result of the vote on the repeal was not interpreted to mean that the convention was opposed, on principle, to clearing the way for establishing the state government. The debate disclosed that the sentiment upholding the right of the people to take the government into their own hands was nearly unanimous, but they felt that the time for such a grant of authority had not arrived. It was thought best to await further developments. It was not at this time anywhere seriously disputed that the people possessed the inalienable right to form a government republican in form, and would violate no law, custom or precedent, by setting up a state government without congressional authority. It was felt that Congress would not declare against the great principle involved by refusing admission to such state, citing Michigan as a precedent, but there would be a state and territorial government in conflict, which aroused unpleasant reflections. The right was not disputed—but was it expedient?

The state league also held a meeting in Sioux Falls at this time and adopted resolutions declaring the willingness of the league to join with any other association or organization having a like purpose in view for the promotion of division and statehood, and extended a special invitation to the Farmers' Alliance to form a coalition for that purpose. This was the beginning of a sympathetic bond, which probably led the alliance to favor Campbell for senator later.

Congress adjourned August 12, 1886. Dakota's affairs did not appear to have moved a notch forward during the session. These affairs, most prominently before it, were the division of the territory, the admission into the Union of the southern half under the Harrison bill, and the treaty with the Sioux Indians for a portion of their great reserve.

It is quite doubtful that a majority of the people would have favored the repeal of the restraining clause had they believed that it would have resulted in an attempt to establish the state government independent of admission to the Union, nor would they have favored the setting up of a state government in opposition to the territorial government had there been no restraining clause. But the existence of the restraining provision in the constitution, it was claimed, was viewed by the one-state and Springer men, as a virtual admission that there would be no attempt made to put the machinery of state government in operation until the state was regularly admitted. Therefore, in order that the menace of a state government might be rendered more formidable and sufficiently formidable to impel Congress to admit the state, it was held that the restraining clause should be repealed. With this view, many supported the repeal **that would not have advised the extreme act of setting the state machinery in motion**, and in the under current of discussion and comment, among the "advocates of repeal this was the view taken—that the repeal of the prohibitory clause did not compel doing all that would then be constitutionally permissible."

Dakota had a territorial government in full operation under the control of an authority that would not have abandoned the field without orders from national headquarters. Among the precedents cited where state governments had been instituted in the same domain occupied by the territorial government, there was no conflict because the latter made no protest, but gave way voluntarily to the state. In Dakota such would not have been the case in all probability. The territorial government would have been upheld by the national Government, it would have continued to execute the territorial laws, it would have insisted on control of the penitentiaries, the insane hospitals, the universities and various institutions, and would have continued to collect taxes throughout its territorial boundaries and would have required the county treasurers to remit the taxes collected for territorial purposes to the territorial treasurer. How would the new independent state have been able to do much more than it was already doing, which may be summed up as "waiting to get in?" It would not seem that everything was ordered for the best. Dakota was denied the privilege of forming a new precedent in the history of state making, and even had it been accorded that distinction, there would have been no more territories to profit by it.

The constitutional convention, at a later session, passed a resolution expunging the restraining clause from the state constitution by a vote of over two-thirds majority. The State Legislature, it was apprehended, would put the machinery of the state in operation, and while there were few or even none, who questioned the right, there was a strong sentiment opposed to haste, and favorable to one or two months' delay in order that the sentiment of the people might be more accurately gauged, now that they were almost face to face with statehood outside of the Union.

In the constitutional convention the only business of importance that was considered was the repeal of the restraining clause. Judge Campbell introduced a resolution from the conference committee appointed early in the session, recommending as follows:

Be it ordained by the constitutional convention that section 32 of the schedule and ordinance appended to and accompanying the constitution be and the same is hereby rescinded, abrogated and made null and void.

The minority report of this committee submitted by Mr. Haines, of Hughes County, recommended the following in lieu of the majority report:

Resolved, That this convention submit to the vote of the electors of Dakota, at the next election for legislative and state officers, the following ordinance:

Be it ordained that the section under the heading schedule and ordinance of the constitution, numbered 32, be, and the same is hereby, rescinded, abrogated and held null and void.

The majority report by Campbell was adopted by a vote of 28 to 9, and the vote was then made unanimous.

As the terms for which the present state and legislative officers were elected would expire at the close of the year the convention adopted the following ordinance presented on behalf of the executive committee:

Be it ordained by the constitutional convention of the State of South Dakota, that there shall be held an election on the Tuesday next after the first Monday in November, A. D. 1887, for all state legislative and judicial officers to fill those offices the terms of which shall expire by limitation in the year 1887 or 1888. And that at such election as the state executive committee may designate, the state executive committee may submit to vote the question: "Shall the state government go into full operation?"

This ordinance was passed by a unanimous vote.

Judge Moody was not present at this meeting, but sent word that he was not in favor of any action looking to the putting of the state government in operation, and that the people of the Black Hills were opposed to such a movement. Judge Edgerton, the other senator elect, was also opposed, but owing to the unanimity that prevailed, he supported the radicals. The convention then adjourned until June, 1887. The constitutional convention had authority to perpetuate itself as long as the situation demanded it.

At a citizens' meeting held at Huron during the 17th, Governor Mellette, L. B. French, of Yankton, Judge Haines, of Turner, John A. Owen, of Kingsbury, Editor Shannon, of Beadle, Mr. Adams, of Day, and C. A. Eddy, of Codington, were appointed a committee to formulate a plan for arousing the people of the state to their danger from the one state omnibus scheme that Mr. Springer had built up, and to crystallize and render effective the sentiment of the people for the state government already perfected.

This committee recommended, that in case the Springer Omnibus Bill providing one state for the entire territory, should become a law, the people of Dakota who support division should be urged to attend the conventions called under it by the governor, and being largely in the majority could control them, and elect a majority of the delegates to the constitutional convention, who were to re-adopt the Sioux Falls Constitution of 1885 making the 40th parallel the northern boundary of the state, and changing the name to "South Dakota." The constitution would then be presented to the President and Congress.

It was claimed, but upon what respectable authority cannot be stated, that a sufficient number of republican senators had signified their willingness to support the Springer Omnibus Bill which included the Territory of Washington, to insure its passage through that body, hence the anxiety of the divisionists of Dakota to checkmate the omnibus measure. This plan would have worked successfully so far as Dakota had an interest in the omnibus measure, but presuming that it had passed and Dakota had been able to defeat it as to our territory, how would the case have stood as to the other territories named whose action would not have been affected by the ruse adopted by Dakota? The others would undoubtedly have complied with the congressional act and have been admitted to the Union, giving the democrats two states and the republicans one. It may be that the republican



senators, who favored the one-state plan for Dakota, discovered this possible contingency, for after a strenuous campaign in favor of his measure, Mr. Springer was unable to secure sufficient support for it.

#### STATE LEGISLATURE AND GOVERNOR'S MESSAGE

The Dakota State Legislature met in called session at Huron, December 16, 1886, with the presiding officers in their seats, and a quorum of each House present. After prayer, and calling the roll, the two bodies met in joint session, and received a special message from the governor, as follows:

Gentlemen of the Senate and House of Representatives:

I have joined your presiding officers in the notice of this convocation, not because of any counsel of value which I may impart, but for the benefits to be derived from our common deliberations, aided by the gentlemen of the constitutional convention and the representative friends of Dakota's statehood gathered about us.

Upon your last adjournment you were hopeful that ere this Dakota would have been assigned her proper place in the Union of states. Having done your duty and done it well, you relied upon the American Congress to do hers, but in that you have been disappointed.

The committee provided by the twenty-sixth section of the ordinance and schedule to present the constitution, after ratification by the people, to the President and Congress of the United States, and to request the admission of the state thereunder to the Union of States, consisting of the governor, your representatives in Congress, the Hon. O. S. Gifford and Theodore D. Kanouse; your duly chosen senators of the United States, the Hon. Alonzo J. Edgerton and Hon. Gideon C. Moody; and the Hon. John H. D. Drake, duly accredited representatives of the state executive committee, during the month of January last, faithfully discharged their duty by presenting the constitution to the President of the United States and to the proper committees of the houses of Congress, and remained during the month of February to second your request with whatever of ability and energy they were possessed. The President received them courteously and listened patiently, but declined to express an opinion or take action touching the matter until it should approach him for executive action through the demands of legislation.

The Senate Committee on Territories warmly espoused your cause and its chairman, the Hon. Benj. Harrison of Indiana, is especially deserving the thanks of the people of the State of Dakota, having brought his untiring energy and preeminent ability and learning to your service, by means of which and the able support of many senators, distinguished for ability and patriotism, a bill was passed by the Senate of the United States during the month of February, admitting the State of Dakota into the Union, which was transmitted to the House of Representatives and duly referred to its territorial committee, a majority of whom refused to sustain your request, and in their hands the senate bill still slumbers and will doubtless expire with the present Congress on the 4th of March next.

In the discussion evoked by the passage of the bill through the Senate, the honorable member from South Carolina, Mr. Butler, in the plenitude of his loyalty to the Union, denounced your action in creating a state government without the prior consent of Congress as unwarranted and revolutionary, and declared, in his zeal, that Congress might lawfully, in its wisdom, refuse any additional states admission, and that the Senate of the United States might find it unwise to permit an increase of its number, and conclude to perpetuate the condition of the present territories as vassals. I cannot believe, however, that these views are seriously entertained by any goodly number of the political compeers of this gentleman of distinguished loyalty from a distinguished loyal state, and hence do not require serious consideration here, but they were to me utterances of grave portent coming from the Senate chamber of the United States.

Upon no occasion did there reach the ears of your committee any criticism or objection to your constitution, the wisdom and broad statesmanship of which was everywhere conceded. Your committee, however, found a determined resistance to the admission of Dakota by the dominant political party of the nation, based upon solely partisan reasons. The same objection intensified exists to her division and admission.

Partisan consideration did not and do not enter into the reasons that exist why the Territory of Dakota should never be formed into a single state, and the movement for division and admission was inaugurated and conducted by the united sentiment of the people, regardless of party affiliations, but it will be after many long years that her people will either forswear or pledge their fealty from or to any party or policy in order to obtain a just recognition of their rights. They are not anxious to exchange one kind of servitude for another more degraded. They desire to assume the responsibility for their own local government intended for their own welfare, and their share of that greater and higher responsibility evolved from their new relation to the federal Union. This they do with a just and full conception of the obligations assumed and a patriotic purpose to faithfully discharge them, without evasion or reservation, and pledging their fortunes and if need be their lives to the perpetuity of the Union.

Notwithstanding our request, so great is my faith in the people, that the enlightened sentiment expressed in the petition, and the action of the popular House of the national Legislature will yet concede your request, which it concedes to be reasonable, since an unrequited wrong to any citizen or lawful political organization of the citizens of our common country is a blow at the rights of every citizen and state. Anything short of conceding the reasonable demands of the people of the new state, securing to the people a just representation in the Senate of the United States, can but fail to be followed by that content and loyalty so essential to the public well being.

If Congress in its discretion divides the territorial domain of Dakota on or near the present northern boundary line of the state, insuring us our state in the end, and if this division is made subject to the approval by ballot of the people, we will disclaim the solution of the problem and will cheerfully accept the new situation. But until this is done we can afford to defer statehood, but this must be done and not promised only. Until we have actions, but not words, let us maintain intact our state government, permit no ruse to divest us of it, and oppose it to any subsequent effort to exercise the right of statehood within her domain, with all the vigor the law gives us, by the right of peerhood in citizenship and priority in statehood.

To what extent under the state constitution you may deem it expedient and lawful to exercise the functions of legislation, I leave for you under your solemn responsibilities to decide. Upon the common result to be obtained there is practically no variance among you or your constituents. Upon question of expediency opinions must ever vary. I may, however, urge you to take no step backward in the work committed to your care. With each succeeding discouragement renew your courage from an unswerving faith in the ultimate triumph of justice. You have already sacrificed much and are ready and willing to sacrifice more. With the exception of the first sitting of the second constitutional convention, all the expenses incident to the promotion of the state, extending over a period of five years, have been cheerfully borne by the individuals representing their several constituencies; their only reward and yours is the conscious satisfaction of the discharge of the highest duty of American citizenship and the thanks of a grateful people.

One paramount duty of this General Assembly is, in my opinion, to provide by law for elections to fill vacancies in office under the constitution. This alone I deem sufficient cause for this convocation. Beyond this your proper action is debatable, and I shall trust to the conflict of opinion to develop the course of wisdom.

I desire to reaffirm my belief in the absolute and unqualified legal right of the State of Dakota, as organized, to be and maintain a local government. Then if it is a positive, a legal existing right, there must exist a means of enforcing it so far as may be done without interfering with existing rights of other political organizations. The houses of Congress are made the sole judges of the qualifications of their membership, and hence cannot be compelled to admit your representatives to their bodies. Thus far their prerogative to oppress to this extent is unquestioned. Your right, however, to self-government as a political organization formed under the Constitution of the United States, and the positive enactments of Congress, exists, if it exists at all, independently of the admission of your representatives to Congress. It is an historical fact that the State of Indiana cast and had counted her electoral vote for President of the United States prior to the admission of her representatives to the halls of Congress. While Congress can alone admit you as a state in the Union, you may still be a legally constituted political autonomy without the Union, and as such entitled to the protection of the federal laws. In short the creative powers exist in the state and not in Congress.

The only light thrown on the admission of new states by the Federal Constitution is found in section 3, article 4, which declares that "new states may be admitted by the Congress into the Union," which clearly gives to Congress the discretionary power to reject "new states" applying for admission into the Union. But there must be a "new state" in being before a "new state" can apply for admission into the Union and before Congress can exercise its prerogative of rejection.

Whether we rely upon the fact that the terms of the Ordinance of 1787 became by the organic act of the Territory of Minnesota, of which a portion of Dakota was then a part, a compact between the United States and the people of this territory, or tracing our title to statehood from another and independent source, to wit—the treaty whereby this territory was ceded by France to the United States, and in which it was expressly stipulated that upon the future demands of the inhabitants of this domain it should be admitted into the Union as states upon the same terms and conditions as other states had been admitted, or relying upon the language of the Constitution before quoted, which is the only declaration of organic law in aid of the question, and which, by implication, clearly recognizes the formation of new states or political organizations with certain of the rights of states without the consent of Congress. Evoking the manner of the admission of new states under the Constitution, and which have acquired the force of law as precedents, we are sustained on every hand in the legality of our demand for admission into the Union.

The people of Tennessee formed their state out of a certain definite portion of the then existing Territory of Tennessee, enacted her constitution and elected her state officers without the knowledge or consent of Congress, and sent a copy of the same to George Washington, President of the United States. Her constitution contained a provision that

on and after a certain day the territorial government would cease, and the state government take effect within its borders, which President Washington transmitted to Congress upon its assembling with a blunt recital of what had occurred and a recommendation that Congress welcome the State of Tennessee, already in full operation, into the Union, which Congress made haste to do. This was the first new state formed and admitted into the Union. Since then ten of the twenty-five new states have been admitted in the same manner, without any prior act of Congress. It is true that in her amiable moods, in case of the other new states, Congress has extended her greeting in advance to the people indicating a desire for statehood by what has erroneously passed into the common parlance as "an enabling act," authorizing and directing the formation of a constitution, and providing for the payment of the expenses from the public funds. But contemporaneously with these instances and extending down from the admission of the first state, the other and direct method, which has forced upon Dakota, the state, taking the initiative, has been pursued and recognized as regular and legitimate.

Thus we find that the State of Dakota has been formed under the guarantee of an ordinance of compact older than the Constitution itself, as well as that of a solemn treaty stipulation, in accordance with the formula through which eleven states have been admitted into the Union, and presenting no issue that has not arisen and been passed upon in her favor. In fact it is no longer a debatable proposition that Dakota is of right a state, and entitled to admission.

The practical question is how to enforce the right. Section 32 of our ordinance and schedule provides that no act shall be performed of an executive, legislative or judicial character, except such as may be "necessary, preliminary and incident to the admission to the Union," until such time as "the State of Dakota shall have been regularly admitted into the Union." It is urged that this language occurring in the ordinance and schedule is in no sense a part of the constitution, but only incidental to its enactment, and that therefore it may be annulled by the convention now in session, being no part of the instrument ratified by the vote of the people. While this view is technically tenable, this section was promulgated as a part of the constitution, and was so recognized at the election, and I doubt the propriety of discarding it without a formal amendment to that effect, submitted to the popular ballot by an act of the Legislature, as provided for amending the constitution proper, and that until such time all executive, legislative and judicial action by the state should be confined to such acts as may be deemed necessary, preliminary and incident to admission to the Union. But upon the constitutional convention devolves the decision of this convention, and if the members of that body shall feel justified in voicing the will of their constituents upon this subject and shall repeal the restraining clause, and you as the direct representatives of the people of the state shall in your wisdom determine that the time has come for further action, I shall make your policy mine, and afford you whatever aid I can. In that event I should recommend no further immediate action than may be necessary to test the validity of the state as organized in the executive and judiciary departments of the government. Whatever may be the decision of the executive, which is necessarily biased by partisan impulse, I have no doubt of a favorable decision from the highest tribunal of law and justice when its decision shall be obtained, sustaining the state in its right to self-government, and if not now arrived, the time will come when such a decision will be possible if you persevere in your work so heroically commenced. Political tyranny in a free government cannot always prevail against the will of freemen, and the chiefest calamity possible to befall you will prove your deliverance if you maintain your courage and your state intact. I refer to the possibility of the formation of a constitution and the assertion of statehood for the whole of Dakota. Then the Supreme Court cannot evade jurisdiction of the question as involving the legality of the state government, as both parties to the issue will be in the same position and the right of the State of Dakota, having become first vested and never having been allowed to lapse, will prevail against any subsequent attempt to obtain a local government within her borders. Here, in my judgment, should be made the final stand—here the last die cast to determine whether the Constitution of the fathers shall be maintained upon the earth. The public domain which we inhabit was held subject to limitations. The limitation imposed by treaty made with a foreign power before purchase; the Ordinance Compact of 1787 extended over our area east of the Missouri River by the organic act of the Territory of Minnesota, and last of all by the genius of our institutions made at once to foster and secure to men the right of local government through statehood and the right of the state to protection through a common union. This is the grand feature of constitutional government, distinguishing between it and imperialism, and is that which makes civil liberty of priceless worth when weighed against blood and treasure.

Objection is made that Dakota was carved out of an existing territory, which was thereby dismembered without right. Besides being overthrown by existing precedents, this postulate falls by analysis. A territory is in no sense possessed of political sovereignty, being the creature of Congress and formed without the consent of its inhabitants. When a people have erected state boundaries within the possessions of the United States (involving no conflict with states before defined), formed a constitution republican in form, and erected thereunder the machinery of local government, the sovereign power of bringing the new state into being has been exerted and spent. Action by the general Government, preceding



admission, is exercised in a fiduciary capacity toward a trust in being. It has already become a new state which had no right to be admitted to the Union. It has no right to come bringing reasonable prerequisites as to area, boundaries, population, material resources and development, and her citizens are unobjectionable in their moral practices, and has established its devotion to law and order and its fealty to the Union, and it has acquired vested rights which it is not possible for any lawful power to obliterate, Congress may refuse to receive her representatives in her body, but this does not destroy her political being nor deny the exercise of her remaining functions as a state. Because she is wantonly wronged by the legislative department is no reason why she should be outraged by the executive or ignored by the judiciary. She is entitled to judgment on her cause as she makes it, and to protection in her rights as they are found to exist. This Dakota demands and nothing more. Her people would not assert a right which they do not believe they possess, nor will they tamely yield their rights at the beck of usurpation and tyranny. In asserting her power to maintain a more perfect government, she trespassed on no right of any other state or individual. The true sons of liberty are not jealous of others, but only jealous of the honor of their mistress.

Dakota, a state out of the Union, and asserting her right to enter, has been likened by a South Carolina senator unto a state in the union and asserting her right to secede. This is a pitiful attempt of an apologist of rebellion to get into respectable company. Dakota would enter the Union because she loves it. South Carolina would have left the Union because she hated it. Dakota craves the honor of entering the Union in order to help sustain it. South Carolina courted the disgrace of leaving in order to destroy it. Dakota would enter under the Constitution and by direction of statute, along liberty's highway, under the folds of the banner of the Union, to the music and step of the national anthem. South Carolina would have left, pulling down behind her the pillars of the Constitution and archways of law, trailing through the slime of revolution beneath the black flag of rebellion, to the music of the grand march of treason. Dakota would enter as a patriot loving liberty—South Carolina would have departed as a traitor, nurturing slavery. Let the enemies of free government mock at Dakota's cause as they will, but let them beware not to insult the intelligence of the age.

Then, gentlemen, I commend you to your labors and enjoin that your minds control rather than your hearts—your judgment rather than your impulse, and that you move forward in unbroken phalanx to the accomplishment of the work whereto you are called. To you is committed the weal or woe of this people, and their political significance as free-men throughout the ceaseless ages, and upon you is devolved the gravest responsibility ever to rest upon a representative body of this glorious heritage, and let me admonish that harmony abide in your assemblings, wisdom in your councils, and courage in your souls, until your star with its motto shall become fixed in its eternal place in the galaxy of states, and its words, "Under God the people rule," shall be a lasting beacon to future states of the nation and the world, thus helping to avoid in the future the disgraceful controversies of the past over the admission of "new states" into the Union.

A. C. MELLETTE, Governor.

Both Houses of the Legislature adjourned on the evening of December 17th subject to the call of the governor, lieutenant governor and speaker of the House. The weather was dangerously cold, trains were interrupted by frequent snow storms, and it was difficult to keep up a quorum, in fact it was found impracticable. There was nothing to do, however, that could be done and needed doing. But there was strong apprehension that Congress might pass an enabling act that would authorize a constitutional convention of the whole territory, and place the power of calling the convention and election in the hands of the new Governor Church, who was known to be friendly to the one state plan and opposed to division. It did not seem probable that the Senate would agree to such a measure, but still there was considerable anxiety manifested because such a measure had already been prepared by Mr. Springer and had been connected with Montana and New Mexico, and possibly Washington, reserving two republican and two democratic states. Our local statesmen and politicians were watching the political tide to escape in Washington with various schemes, and while confident it would be beaten in the territory, would much rather it should be defeated in Washington. Happily for the peace of the territory the first efforts of Congressman Springer for an Omnibus State Bill were unsuccessful.

#### MOVING AND SETTLEMENT

The movement looking to the setting in motion a state government, which was indicated by the proposed repeal of section 32 of the schedule and ordinance

appended to the state constitution which had been adopted, may be said to have divided even the most determined and uncompromising friends of the division and statehood movement into two camps, one represented and largely controlled by Hon. Hugh J. Campbell, the radical leader, who apparently would have preferred that Congress should be taught a lesson in state-making that it was simply a usurper of the rights of the people of Dakota in delaying the recognition of her demand for statehood under the Sioux Falls Constitution. Judge Campbell's temperament was combative, and he was also an ambitious man—ambitious for political honors, and he could see that his personal aims would be best secured if he could induce the people to sustain his radical policy, and rebuke, thus indirectly, and weaken the influence of the leaders in the conservative camp, who were inclined to favor the counsel of Moody and Edgerton, though the latter had finally yielded to the apparent force of public sentiment, and withdrawn his opposition to the repeal of the constitutional restraining clause. Moody and Edgerton had already been elected United States senators by the State Legislature, and with Governor Mellette and the congressmen chosen had officially notified the President and Congress of the action taken in Dakota. Judge Moody was possibly the ablest all-around lawyer in the territory and was so regarded quite generally. He was among the pioneers of the division movement, and of the statehood movement also. He would under no circumstances accept admission without division. But he had little sympathy with any plan that proposed to force the state into the Union without the consent of Congress. It could not be done, he held, and it was folly to urge it. Concerning the power of the courts to compel Congress to act, Judge Moody said:

It is said by some that this right of local self-government can be secured through some proceeding in court. How? No one has attempted to point the mode. It is a political right and one that cannot be forced through the courts. It is a subject of legislation. I cannot conceive how any proposition can reach any court, and I am confident that no lawyer in the country could be found who would presume, who would be willing to incur the ridicule connected with the attempt to present any proposition to the Supreme Court of the United States involving the right of the people of a territory to set up and put in motion a state government in disregard of the action of Congress in admitting it as a state into the Union. If one could be found he would be met at once by the uniform decisions of that court to the effect that the legislative power of Congress over the territories is absolute.

A state may be formed, and undoubtedly it is essential that one should be formed, for admission into the Union, but it requires the action of Congress to constitute it a state in the Union, and a state out of the Union is as impossible of existence as is that of a bird in the water, or a fish in the air.

Now by this I do not want to be understood as discouraging in any particular the effort of any person to keep alive in the hearts and minds of our fellow citizens the necessity and wish for state government. On the contrary I am ready, and more than willing, to do anything and to encourage others in doing anything which will tend in the least degree toward accomplishing the much desired purpose. I think we should adhere to our present organization, and if necessary keep it alive by subsequent elections, with a stern and unfaltering determination that we will take nothing less than the admission of South Dakota into the Union of States.

Beyond this, I think it exceedingly important that such an organization should be had as will enable us to educate the people of the United States to the necessity of justice to this people. They should be taught that it is dangerous to the people of all the states to deny to any portion of the people those political rights and privileges which pertain to the condition of American citizens. They should be aroused and alarmed by the fact that for mere partisan purposes, in order that a few insignificant individuals may hold office, a great people, nearly half a million American citizens, are denied the privileges and the rights for which their Revolutionary forefathers risked everything—honor, life and property. They should have called to their mind that for the people to become familiarized with and their senses blunted by indifference to such outrage and wrong is dangerous to them and to those who shall come after them.

We cannot rebel against the Government. We do not want to. We want to become an integral part of it. We cannot get into the Union or become a state by fighting our way in, either by levying war or by a lawsuit. We have got to secure those political rights to which we are justly entitled by an appeal to the great heart of the American nation.

I have made many sacrifices in this movement, and am ready and expect to make many more. I have believed for years that the absolute welfare of the people of Dakota, both north and south, demands its division into two equal parts by an east and west line, and the

speedy admission of both into the Union as sovereign states, and by their own choosing and with governments of their own volition. I cannot conceive how my mind can be changed on these subjects. I have not thought of this question of division as a mere present expedient, but always upon what I believed would be its effect in the future when these become great and thickly populated commonwealths. As we have grown in years, in population, in strength, and in material resources, my judgment has been strengthened and intensified, and I believe that if such a dire calamity should befall us as that this people were forced into the Union as one state for the whole territory, those who live now and those who are to come after us will reap in bitterness the fruits of such mistaken policy.

Feeling as I do, cherishing this feeling for many years, can it be possible that anyone would think that I was either indifferent or opposed to any project which would have a tendency, however remote, to bring about the speedy habilitating of South Dakota with statehood?

Yours truly,

G. C. Moody.

The people could frame a constitution, elect state officers, and then might set the machinery of state government in motion, but they could not admit the state to the Union, they could not control the public lands, they could not have an acre of these lands for the common schools and public institutions, they might not be recognized as a state by other states. The conservative course was practicable — the radical way was impracticable, and the majority of those who supported it were not under the delusion that they would endeavor to operate a state government outside the Union, but that such a manifestation of their earnestness and determination, would have a favorable influence at Washington and facilitate the early division of the territory and the admission of the state.

Judge Moody and Judge Edgerton were both sufficiently radical, but neither favored setting up an independent state government, and it was stated on respectable authority that Senator Harrison who was leading the efforts for division and admission in the Senate, did not endorse that programme. Hence it was, that while General Campbell's services were acknowledged to be of value in educating and influencing the people regarding statehood, and their inalienable right thereto, — his remedy, carried to the extreme which he proposed in case Congress did not act favorably at this time, was viewed as hazardous. It would lead to a conflict with the territorial government, and this would take the matter officially before the department at Washington and they would in all probability and quite properly decide that the territorial government of Dakota was the only one they could officially recognize. The President would be inclined to enforce the laws of the United States applicable to territories and he would undoubtedly sustain the territorial government. Mr. Campbell's suggestion that a Territorial Legislature, if so minded, could practically render impotent the territorial government by withholding appropriations and by repealing the laws creating territorial offices, could not have been made after mature reflection, for he was aware that Congress had authority to legislate for the territories, and had so acted on more than one occasion in the case of Dakota, and had the emergency required, it could have reenacted all the statutes that were needed to continue in force the territorial government of Dakota.

To a people inclined to peace and progress, and who would be the only sufferers in case the radical plan was adopted and failed to bring relief, the policy of Moody, Edgerton, Tripp, Ziebach and Day and Delegate Gifford was regarded as the safer and safer policy.

Campbell, however, was apparently under the delusion that his efforts had carried the movement successfully to the point of state organization, and that he could induce the state officials so chosen to set the state government in operation. Had he diagnosed public sentiment with the intelligence and skill that he had displayed in promoting the cause and in enlightening the people, he would have here rested on his laurels, and would have advised the people — "thus far can we go, but no farther." Such a temperate course would have greatly strengthened the general with the people, and at least have improved his chances to secure in the future, a United States senatorship, which he desired, but it might not have secured it to him at the first election, for the public mind and the manipulation of leaders,



had, probably, earlier than this, fixed upon those upon whom these favors were to be bestowed in the present instance. And Campbell doubtless realized this.

#### LOUNSBERRY, OF BISMARCK

Col. C. D. Lounsberry was the pioneer journalist of Northern Dakota, and established the Tribune at Bismarck in 1873. He had remained there engaged in journalism up to 1885, and for years thereafter. He was regarded as an excellent authority on the sentiment of North Dakota on the subject of division and on political matters generally. He took much interest in the division of the territory, which he uncompromisingly favored, and had spent much time in Washington during the exciting and busy days of 1885-'86, when "what to do with Dakota?" was the problem with democratic congressmen. With republican members it was well understood, they were in favor of division, and the admission of the southern half, with its over a quarter of a million of population as a state. In March, 1886, he gave out the following information of the Dakota situation at Washington, as he saw it, to a reporter of a Minnesota paper.

The reporter first put the question to the colonel, "Is Dakota likely to be divided at this session of Congress, Colonel?"

Lounsberry—There is good reason to hope that it may be. There are many democrats in the house who, if left to themselves, will vote for division. Twenty-two members were pledged to vote for the Dakota bill three years ago, but they were whipped into line by Sam Randall and the caucus. Randall professed to believe that if the bill was taken from its place on the calendar that it would be so amended as to admit the southern part as a state, but as the republicans could pass it in any form they wished, if the rules were suspended, the slaughter of the bill was ordered by the democratic caucus. It was not the division of Dakota then that was feared. It was the admission of the southern portion.

Reporter—Why do you hope for division now?

Lounsberry—Because by conceding division an excuse is afforded for refusing admission of either section, and if admission is insisted on Dakota can be coupled with Montana and Washington territories. Twenty-two democratic votes is all we need. We had them three years ago—we think we have them now.

Reporter—But you do not regard Washington Territory as democratic?

Lounsberry—We will not dispute the claims of the democrats, or even seek to throw cold water on their hopes (until after admission is secured) either as to Montana or Washington Territory, and are perfectly willing for them to claim North Dakota if they can find comfort in so doing.

Reporter—Is there not considerable opposition in Dakota to division?

Lounsberry—No, sir. If an attempt is made to bring Dakota in as a state without division it will be voted down. The people of the north have no relations of a business nature with the people of the south. They do not meet them at St. Paul, Minneapolis or Duluth, because the trade of the south seeks more southern markets by southern lines of travel. We do not meet them except in the Legislature or in political conventions, and then only to struggle for the protection of our rights or through combination to beat them out of theirs. We would prefer annexation to Minnesota to admission without division, and they'd stay out in the cold for twenty years rather than warm their shins by our fireside. Why, the southern members of the Legislature last year almost to a man refused to attend a complimentary reception and banquet tendered them by the citizens of Bismarck. Some of them refused to ride in free buses to the capitol and were so mad they wouldn't pay their fare, so they hoofed it back and forth from the capitol all winter, cursing the north, and praying for division.

Reporter—But a number of leading Dakota citizens are in Washington. Are they not laboring to defeat division?

Lounsberry—No, sir. They are led citizens—led by Governor Ordway, who has a grievance. Most of them are there as his friends or his servants, some working from sympathy, and some for pay. The ex-governor had the goodness to inform me once that he should spend the remainder of his life in Washington when Congress was in session, laboring to defeat the plans of Dakota people, and he was inclined to think that more than one Dakota heart would bleed before he got through with them. This is because of the treatment he received in Dakota. He is playing his part well, working the Associated Press and special reporters to excellent advantage, and he always has a fresh arrival from among his friends or servants in Dakota to back his assertions. The people of Dakota want division, and they will take their medicine if they must, but no amount of pressure will cause them to weaken one bit in their demand for division or in their determination to secure it. If this Congress does not give it to them, the next, or the next, will.

Reporter—Will the people of South Dakota be content to withdraw their claim to statehood until the next Congress if division can be secured?

Lounsberry—Yes, sir. If the democrats offer that compromise it will be accepted.

Reporter—What about the name, Colonel? Is the north willing to accept the name proposed?

Lounsberry—No, sir. They want the name North Dakota and if organized as a territory under any other name, they will demand admission as a state under the name of North Dakota, and they will kick like wild western steers until they get it. The people of the East may call their homes by names as mild, as gentle, as good, or as patriotic as they please, but as for us, we know what we want to call our homes and shall claim that privilege.

#### JOSEPH CAMPBELL'S DEEDS AND HIS REWARDS

In connection with the general effort to secure statehood for Southern Dakota, Mr. Campbell had done a great part of the essential work in bringing the people to a proper understanding of their rights. That he was actuated more or less by a desire for personal aggrandizement may not be denied, but many other leaders might be similarly accused. He had marshalled and displayed before us the indisputable, and all important facts of history, and the laws, precedents and authoritative opinions of eminent Americans, which enabled the people to see and comprehend that statehood was not a favor to be conferred, or a privilege that could be rightfully withheld, at the discretion of Congress, but an inalienable and inalienable right of the people of Dakota, they having fulfilled all the conditions required by the constitution and laws and precedents. That Congress could not withhold from the full enjoyment of this right without violating justice, and ignoring a solemn compact existing between the government and its citizens in the new territories and thus endangering the stability of our country's free institutions. Congressmen understood this well enough, and in private consultation and conversation, admitted as much, but so long as Dakota could be held in peaceful subjugation there was a disposition on the part of some anti-republican leaders, in Washington and possibly at home, to keep the territory intact for partisan profit. But all the while Congress was cautious about establishing a new precedent by any official act that would contravene the well established and dearly prized doctrine of the right of the people to self government, and a close examination of the procrustean proceedings had in connection with the Dakota case will not reveal any act where this principle was directly violated. But the postponement and delays sought by such pretexts as "the opposition to division," and the lack of sufficient population as officially shown by the last federal census served to postpone the taking of any decisive step. And these pretexts were spread abroad among the people of the United States to inform them that the delay in admitting the state had a legitimate foundation. The question of division came the nearest to being a legitimate ground for delay, for until that question could be decided by a vote of the people of the entire territory, the Ordway element and the one state democrats were able to assert that the people of the territory did not desire division. But for the reason that General Campbell contributed so much of value in educating the people was not a sufficient reason for rewarding him with any particular office. He may have been much better qualified, and by temperament, better adapted to fill the office of judge than that of senator. He was an able and learned lawyer, and an eager student of the law, and would have made his mark upon the bench. He would probably have filled the executive chair acceptably, and with credit to the state and would have been of value as attorney general. But as the matter turned out, leaving him without suitable recognition, Dakota could have mustered sufficient influence with the President, who was partial to Dakota, to secure for him an honorable position abroad, which would have given him life long pleasure, and proved that the people duly appreciated and desired to recognize his valuable service and his talents. And there would have been no partisan opposition to such an appointment within the territory, for Mr. Campbell's work was done in the earlier years of the statehood movement when democrats and republicans were working for the cause, harmoniously, shoulder to shoulder.

Mr. Campbell's ambition, however, was centered on a senatorship, and in the progress of his campaign to that end, he displayed poor judgment. His alliances were not discreetly made, and brought him no reinforcement of value, rather rivals. But the factional conditions in the republican party made it impracticable to select his company, and he was rather obliged to take that which was offered, and this he did precipitately. He could have done no worse, at least, had he held himself aloof from any entanglement with factions, and trusted to some break in the plans of his rivals. But he was not such a politician as could discern the weak points in an adversary's armor and turn them to his own advantage. Though the election of senators in 1885 was of no lawful effect, it conveyed a certain prestige to the victors which served them profitably when the time came to select those who were to represent the state in Congress. Had the members of the constitutional convention of 1885 elected the senators, it is not improbable that Mr. Campbell would have been chosen for one of the places, but when the contest came before the Legislature, composed of a different body of men, the matter of merit did not appear to weigh strongly in his behalf.

#### SPRINGER'S ONE STATE OMNIBUS BILL

Before proceeding to Washington to take up his official duties in December, 1886, Delegate Gifford gave out a statement that "Congress would not do anything to promote the division and statehood question, during the short session unless forced to, and he did not see any way to force them. I don't think the democrats dare do much and believe they will make no move until 1888. They will continue in control of the House until then and until March, 1889. They are anxious to get control of the Senate, especially if they succeed in electing the next President. The admission of Dakota would lessen their chances materially, and for that reason they won't let her in yet if they can help it."

At this second session of Congress beginning in December, Congressman William Springer disclosed the democratic programme regarding the division and admission of Dakota, by publicly expressing his willingness to agree to enabling acts for the admission of Dakota as one state, together with Montana, Washington, and New Mexico—two democratic territories and two republican territories.

This proposed measure had the support of the newly appointed governor of Dakota, Louis K. Church, and of the Boynton and Inman democrats of the territory, as well as the Ordway republicans. It was opposed stoutly by the Tripp, Zeibach and Day democrats, and by the regular republican organization of the territory, north and south, which had determined to oppose any measure that did not include division.

The proposition was also opposed in Congress by a majority of the Senate, and probably of the House as well, who were not prepared to concede that New Mexico was in condition to assume the duties of statehood owing to its mixed and nomadic populations, unlearned, as yet, in the fundamental principles of free government. While New Mexico contained many intelligent Americans of good ability and enterprise, the majority of its inhabitants were said to be of the turbulent character found in portions of old Mexico, impatient of lawful restraint. But Mr. Springer felt that it was safely democratic, and would, with Montana, offset the partisan complexion of Dakota and Washington.

However, Mr. Springer introduced his bill, which did not become a law, nor did it pass either House, but a portion of its provisions will aid the reader in understanding what the bill designed to accomplish, and will throw light on the comments made herein regarding the struggle impending in 1886-7 between the promoters of the one state plan, and the divisionists or two state party, for the inroads made by immigration had been so marked and were even defying the rigors of one of the most tempestuous and frigid of Dakota winters, during this winter season, that no attention was being given, or at least very slight and unimportant attention, to the proposition for a territorial government for Northern Dakota. Its



population would entitle it to admission as a state separated from its southern sister. The first section of the Springer one state omnibus bill described the boundaries of the proposed new states just as they now exist, or would exist with the two Dakotas united, then follows:

Sec. 2. That all persons residing within the limits of the said proposed states (Dakota, Montana, Washington and New Mexico), qualified by the laws of said territories to vote for representatives to the legislative assemblies thereof, are hereby authorized to vote for and choose delegates to form a convention in each territory, and the qualifications of delegates to such conventions shall be such as by the laws of said territories, respectively, persons are required to possess to be eligible to the legislative assemblies thereof. And the aforesaid delegates to form said conventions shall be apportioned among the several counties within the proposed states, in such districts as are hereinafter provided, in proportion to the population in each of said counties and districts, as near as may be, to be ascertained at the time of making such apportionments, by persons hereinafter authorized to make the same, from the best information obtainable. That said apportionments shall be made by the governor, the chief justice and the United States attorney of each of said territories, or any two of them. And the governor of each territory shall, by proclamation, order an election of the delegates aforesaid to be held on the Tuesday next after the first Monday in November, 1887, which proclamation shall be issued at least ninety days prior to the time of said election, and said elections shall be conducted, the returns made, the results ascertained, and the certificates to the persons elected to such conventions issued in the same manner as is prescribed by the laws of the said territories regulating elections therein for delegate to Congress. The number of delegates to said conventions, respectively, shall be ninety-nine, and persons resident in said proposed states who are qualified voters of said territories, under the laws thereof, shall be entitled to vote upon the election of delegates and upon the ratification or rejection of the constitution, under such rules and regulations as said convention may prescribe.

Sec. 3. That the persons hereinbefore authorized shall divide said proposed states into thirty-three election districts, in each of which districts three delegates to the said constitutional convention shall be elected. In voting for such delegates each qualified voter may vote for not exceeding two persons, and the candidates highest in votes shall be declared elected.

Sec. 5. That the delegates to the convention thus elected shall meet at the seat of government of each of said territories, on the second Tuesday of January, 1888, and, after organization, shall declare, on behalf of the people of said proposed states, that they adopt the Constitution of the United States, whereupon the said conventions shall be, and are hereby, authorized to form constitutions and state government for said proposed states, respectively.

Sec. 6. That in case constitutions and state governments shall be formed in compliance with the provisions of this act, said conventions forming the same shall provide by ordinance for submitting said constitutions to the people of said states for their ratification or rejection at an election to be held in each of said territories on the first Tuesday after the first Monday of November, 1888, at which election the qualified voters of said proposed states shall vote directly for or against the proposed constitution, and for or against any provisions separately submitted.

Sec. 8. That the counties of Grant, Roberts, Day, Brown, Edmunds, Walworth, Boreman, Hettinger, Bowman, and all that part of the proposed State of Dakota north thereof shall constitute the first congressional district, and that portion of the proposed State of Dakota lying south of said counties shall constitute the second congressional district of said state. And in each of said districts in Dakota, and in each of the states of Montana, Washington and New Mexico one representative in Congress shall be elected until otherwise provided by law after the next decennial census of the United States, and at the time prescribed by general law for such elections in other states.

Sec. 21. That the constitutional conventions may, by ordinance, provide for the election of full state governments, including members of the legislatures and representatives in Congress, but said state governments shall remain in abeyance until the constitutions framed by said conventions shall have been approved by Congress. In case the constitution of any of said proposed states shall be ratified by the people, but not otherwise, the Legislature thereof may assemble, organize and elect two senators of the United States, and the governor and secretary of state of such proposed state shall certify the election to Congress; and when the constitution so framed is approved by Congress and such state admitted into the Union by special act of Congress therefor, the senators and representatives shall be admitted to seats in Congress, and to all the rights and privileges of senators and representatives of other states in the Congress of the United States. And the state governments formed in pursuance of said constitutions, as provided by the constitutional conventions, shall proceed to exercise all the functions of state officers.

Sec. 29. That the conventions authorized to frame constitutions as provided in this act shall incorporate a provision in each constitution abolishing all counties heretofore established within the limits of said territories, respectively, which contain less than three inhabitants, excluding Indians not taxed, according to the census of 1880 or other reliable

data, and shall consolidate the territory comprising the same into new counties of not less than 3,000 inhabitants each, and shall fix the county seats and names of such new counties, until the same are changed in the manner provided in the constitution. The conventions shall provide in the constitutions of said states such provisions as may be necessary for the payment of the debts of the counties so abolished, and for the disposition of the property of such counties.

The sections of this bill that have been omitted applied wholly to the other territories included in the bill, each one apparently needing some special regulation and legislation not applicable to the others, New Mexico, particularly, but the bill failed to pass as did all the statehood measures presented for the consideration of this Congress, which was the 49th Congress since the formation of the United States.

#### DIVISION SENTIMENT

As showing that the constitutional convention for the southern half of the territory was supported by the people throughout the territory generally, attention is directed to the nearly unanimous support of the bill calling the constitutional convention, passed by the Legislature of 1883, when the Northern Dakota legislators voted unanimously for it, and the further similar action taken by the Legislature of 1885, at Bismarck, also nearly unanimous and approved by Governor Pierce, which resulted in the adoption of a state constitution which Congress finally approved in 1889 and under which South Dakota was admitted. North Dakota supported these measures correctly interpreting them as the speediest way to secure division and give Northern Dakota a separate territorial organization, which at that time was all the northern portion could claim with the population she possessed. The only indications of dissatisfaction that came to the surface in the north were at Bismarck, and at the Fargo convention of 1885, where a committee was appointed to visit the South Dakota convention at Sioux Falls, then in session, and induce the southerners to accept the name of "South Dakota," instead of "Dakota," and it will be observed that the committee's mission was successful, for among the last unofficial acts of the South Dakota convention was a declaration that the name selected, "Dakota" should not stand in the way of statehood—meaning that South Dakota would be accepted if Congress voted to change the title.

At the same time there was a very strong sentiment in the North that favored the old name of "Pembina," above North Dakota or any other title.

The sentiment of the great majority of the people of the territory never changed with regard to a division of the territory into two nearly equal parts, on the 46th parallel of latitude or the 7th standard parallel, the latter, when the conditions were understood being preferred. Trace the proceedings of the people in all their public assemblies, through from the beginning, almost contemporaneous with the organization of the territory, and you find them adhering to such a division until division was accomplished and the two Dakota states admitted into the Union.

The effort of Governor Ordway to commercialize and change this sentiment was futile. Even after he and others had succeeded in removing the capital to the northern half, he was unable to win over but a small fraction of the northern people, and these were those who were deriving personal benefit from the new location. The Northern Pacific Railway Company was said to favor the one state for the whole territory, after it had secured the capital at Bismarck, but this could hardly be classed as any part of the public sentiment of the territory, nor even the northern part, and while the southern half remained practically solid for division, their brethren of the North numbered more than three-fourths of the population of that section.

The Legislature of 1883 passed a bill calling a constitutional convention for the South, and the governor practically vetoed it because, as he averred, it did not

include the whole territory. This was the Legislature that passed the capital removal bill, and was controlled by northern influences, and Ordway's influence because of his veto power; but there was no avowed sentiment among the members in favor of admitting the entire territory as one state. There was not a hint given in the legislative proceedings that any member desired it, and this same Legislature passed a bill calling a constitutional convention for the south half of Dakota, which Ordway pocketed.

It must therefore be accepted as the determined and unalterable will of the people of the territory, that it should be divided and form two states, and this was the sentiment of the larger statesmen in Congress of both parties and of the leading journals of the United States.

The opposition of the democrats in Congress to the admission of South Dakota in 1883 and later did not spring from their objection to the division of the territory, and we find Delegate Pettigrew at that time advising his South Dakota friends to drop the admission project for the time being, unite on division alone, and he believed he could get it through; and there was one vote taken in the House that supported his view but the democrats were opposed to admitting the state at the time on partisan grounds, and this they openly proclaimed. They would not consent to the admission of another republican state on the eve of a presidential election—that they had made the mistake of admitting Colorado in 1876, just prior to the Hayes-Tilden campaign, and they would not repeat it. As the House was then largely democratic this declaration of democratic opposition was a very positive guaranty that South Dakota would be compelled to wear her territorial garments until after the presidential election.

#### THE DEMOCRATIC RECORD ON DIVISION

The position of the democratic party of Dakota on the subject of division of the territory on or near the 46th parallel of north latitude had been consistently in favor of such division from the time that the question was first proposed in the political conventions of the territory.

In 1872 the democratic territorial convention was held at Bon Homme where a division resolution was adopted, as follows:

Resolved, That a division of the territory should be made, giving to the settlement a distinct and separate territorial government north of the 46th parallel of north latitude.

The settlement of North Dakota began the same year with the coming in of the North Pacific Railroad.

In 1874 the democratic convention was held at Elk Point and adopted the following resolution:

Resolved, That we believe the best interests of the public demand the erection of a new territory out of that portion of Dakota lying north of the 46th parallel and we pledge the influence of the democratic party to secure the organization of such new territory.

The democratic convention was held at Yankton in July, 1876, and adopted among others the following:

Resolved, That we earnestly favor the organization of a new territory out of the northern part of Dakota, and believe that such an organization will largely tend to enhance the interests of the people of both sections.

In the democratic convention of 1878 no declaration was made on the subject of division. In 1880 a division resolution was adopted and M. L. McCormack was nominated for Congress. At Mitchell, in 1882, a resolution of which the following is a copy, was adopted:

Resolved, That we are in favor of the division of Dakota on the 46th parallel, and retaining the present name of Dakota for the south half.



In 1884 at Sioux Falls, when John R. Wilson was made the standard bearer, the convention uttered the following affirmative voice in favor of division:

Resolved, That we are in favor of division of the territory on the seventh standard parallel, and appeal to the democratic members of Congress to favor such division.

In 1886, at Aberdeen, M. H. Day was the nominee for delegate, and the division plank was slightly changed in phraseology, but still consistent with its former declarations. The resolution recommended, thus:

Resolved, That we favor the submission to a vote of the people of the whole territory the question of the division of the territory on the seventh standard parallel.

## CHAPTER CXI

### DIVIDING THE TERRITORY—POPULAR VOTE TAKEN

1887

THE TERRITORIAL LAW ORDERING AN ELECTION FOR A VOTE ON THE QUESTION OF DIVISION—NORTH DAKOTA CONFERENCE ON DIVISION—THE SOUTHERN HALF OF THE TERRITORY HOLDS DIVISION CONVENTION—NAMES OF MEMBERS—THE CENTRAL COUNTIES HOLD CONVENTION—NAMES OF MEMBERS—THE ELECTION AND THE RETURNS—THE ANTI-DIVISION CONVENTION AFTER ELECTION—NAMES OF MEMBERS—ENABLING ACT FOR NORTH DAKOTA—DAKOTA DEBATE IN SENATE—EDGERTON'S LETTER—EDUCATIONAL STATISTICS—SENATOR EDMUNDS ON THE DUTY OF TERRITORIES.

#### LAW FOR VOTE ON DIVISION

The Territorial Legislative Assembly of 1887 passed the law of which the following is a copy, authorizing an election in Dakota territory for the purpose of giving an expression of the legal voters of the territory on the question of a division of the territory on the 7th standard parallel:

An Act entitled an act to submit to the legal voters of the territory the question of the division of the territory.

Preamble. Whereas, It has become evident that in justice and fairness to all the people, and in the interest of harmony and good will among all sections of the Territory of Dakota, and in support of the just and earnest demand of many citizens for division and statehood, that the question of the division of the territory should be submitted to a vote of the people at the earliest possible day, therefore be it enacted by the Legislative Assembly of the Territory of Dakota:

Section 1. That an election for the Territory of Dakota shall be held on the first Tuesday after the first Monday in November, 1887, that being the date of the annual election, at which election the qualified voters of the territory shall vote upon the question of division of the territory upon an east and west line upon the seventh standard parallel.

Sec. 2. The ballots to be used at such election may be either written or printed, as follows: "For division." "Against division."

Sec. 3. The election provided for in section 1 shall be conducted as elections under the general laws of the territory, and all expenses thereof paid in the same manner. County clerks shall issue notices at least twenty days prior to the election, stating its object, the sheriff shall post such notices, and the county commissioners shall establish precincts, appoint judges of election, provide poll books and other material as in general elections.

Sec. 4. The canvass and return of the number of votes cast shall be the same as required in general elections.

Sec. 5. It shall be the duty of the several boards of commissioners, after they shall have canvassed the vote, to certify to the governor the result of such canvass, and the whole number of votes cast by counties upon said question, "for division" and "against division." The governor shall immediately, upon receipt of such certificates, make public proclamation thereof, and shall also forward a certified copy of such certificate of the result to the President and Congress of the United States. The result of such election, duly authenticated shall be preserved by and kept in the office of the secretary of the territory, as the result of other elections.

Sec. 6. This act to take effect and be in force from and after its passage.

Approved March 11, 1887.

#### CALL FOR A DIVISION CONVENTION

At a called meeting of the friends of a division of the territory on the 7th parallel of latitude or the 7th standard parallel, held at Huron on the 7th day of

June, 1887, it was resolved that it was desirable, in view of the election upon the question of division, provided for by a law of the last Legislature, that the friends of division in both North and South Dakota should be invited to organize themselves thoroughly and to cooperate in harmony, and to obtain as large an expression as possible of the will of the people upon the question of division, at the election.

Therefore for the purpose of affecting such organization, and taking such other measures as they may see proper with reference to effecting division, we, the undersigned friends of division, hereby call upon the friends of division in South Dakota, without distinction of party, to assemble in their various counties on Thursday, the 7th day of July, 1887, and elect delegates to a convention of the friends of division, to be held at the City of Huron, on Wednesday, the 14th day of July next at 2 o'clock P. M.

The apportionment for such convention is recommended to be as follows:

Aurora County, 14 delegates; Beadle County, 21; Bon Homme, 16; Brookings, 18; Brown, 25; Brule, 15; Buffalo, 3; Butte, 3; Campbell, 8; Charles Mix, 8; Clark, 11; Clay, 13; Codington, 12; Custer, 4; Davison, 13; Day, 12; Deuel, 10; Douglas, 8; Edmunds, 5; Faulk, 7; Fall River, 2; Grant, 15; Hamlin, 8; Hand, 16; Hanson, 9; Hughes, 12; Hutchinson, 19; Hyde, 6; Jerauld, 5; Kingsbury, 17; Lake, 12; Lawrence, 22; Lincoln, 16; Marshall, 5; McCook, 12; McPherson, 5; Miner, 14; Minnehaha, 29; Moody, 12; Pennington, 7; Potter, 6; Roberts, 6; Sanborn, 10; Sargent, 4; Spink, 21; Sully, 7; Turner, 17; Union, 17; Walworth, 4; Yankton, 17.

The objects of the convention are to provide for a thorough and vigorous canvass of South Dakota before the next election, for the purpose of bringing out as strong a vote as possible in favor of division, and to transact such other business as to the convention may seem proper.

For the purpose of organizing the several counties in South Dakota, this conference names the following gentlemen as county chairmen, for the purpose of calling the necessary county conventions:

Aurora County, B. F. Bellows, Plankinton; Beadle County, L. W. Crofoot, Huron; Bon Homme County, Daniel Wilcox, Running Water; Brookings County, H. S. Murphy, Elkton; Brown County, John H. Drake, Aberdeen; Brule County, John Strube, Chamberlain; Campbell County, Frank Alexander, LaGrace; Clark County, S. H. Elrod, Clark; Charles Mix County, A. P. Lucas, Castalia; Clay County, D. C. Shull, Vermillion; Codington County, F. P. Phillips, Watertown; Custer County, L. M. Booth, Custer; Davison County, A. E. Hitchcock, Mitchell; Day County, J. C. Adams, Webster; Deuel County, A. A. Harkins, Gary; Douglas County, F. LeCocq, Harrison; Faulk County, A. Lawrence, Faulkton; Fall River County, Dr. Stewart, Hot Springs; Grant County, A. B. Smedley, Milbank; Hamlin County, G. W. Pierce, Castlewood; Hand County, A. D. Hill, Miller; Hanson County, A. J. Parshall, Alexander; Hughes County, H. M. McDonald, Pierre; Hutchinson County, C. Buechler, Freeman; Hyde County, C. H. Price, Highmore; Jerauld County, S. F. Huntley, Wessington Springs; Kingsbury County, J. H. Carroll, DeSmet; Lake County, H. J. Patterson, Madison; Lawrence County, F. J. Washabaugh, Deadwood; Lincoln County, J. W. Taylor, Canton; McCook County, T. H. Conniff, Bridgewater; Miner County, S. H. Bronson, Howard; Minnehaha County, R. F. Pettigrew, Sioux Falls; Moody County, John Hobart, Egan; Pennington County, J. W. Fowler, Rapid City; Potter County, Dr. W. C. Stone, Gettysburg; Roberts County, E. F. Drake, Wilmot; Sanborn County, T. D. Kanouse, Woonsocket; Spink County, E. W. Foster, Frankfort; Union County, E. C. Erickson, Elk Point; Yankton County, L. B. French, Yankton.

The qualifications for voting at the primary and county meetings shall be that the persons so voting must be known, unqualified and thorough friends of division, and all friends of division, irrespective of party, are invited to participate.

This conference invites the serious attention of the people of Dakota to the fact that this expression of the will of the people of Dakota upon this grave and important question will probably be decisive in its results. It is thought by many well advised persons that the next Congress will seriously take up the questions of the division and admission of Dakota.

A decided and unmistakable expression of a large majority of the people of Dakota whose right it is to decide this matter, in favor of division, will doubtless exercise a strong and immediate influence upon the action of Congress.

Therefore we most respectfully call upon all friends of division to unite, both in sending strong delegations from each county to the proposed convention, and also in polling the largest possible vote in the county in favor of division.

This is a critical moment in the fortunes of Dakota. Let her people be united and earnest.

J. J. Kleiner  
Hugh J. Campbell  
D. N. Hunt  
Thomas Sterling  
E. W. Foster  
Thomas Reed

Joseph Ward  
Augustine Davis  
L. B. French  
A. G. Kellam  
T. V. Eddy  
F. P. Phillips

H. R. Pease  
A. B. Smedley  
S. H. Patten  
John Fogarty  
D. C. Turner  
S. V. Jones



A. C. Mellette  
John A. Owen  
A. J. Edgerton  
S. H. Craig  
A. W. Wilmarth  
Wm. B. Sterling  
E. T. Cressey  
A. W. Burt  
W. E. Allen  
C. P. Sherwood  
Frank Alexander  
D. C. Thomas  
E. D. Wheelock

John Norton  
R. F. Pettigrew  
T. D. Kanouse  
W. S. Bowen  
Joseph Allen  
C. F. Hackett  
W. C. Plummer  
John H. Drake  
T. J. Cory  
John Bushell  
A. Haines  
H. S. Murphy  
Ed. Benke

Frank Crane  
R. W. Haire  
J. R. Lowe  
M. H. Day  
John I. Bennett  
E. S. Wheelock  
F. LeCocq  
T. H. Conmiff  
F. Miner  
Joseph Allen  
T. B. Buchanan

The county conventions were held quite generally throughout South Dakota though the date for the political meetings was not the best for the country people who were more or less occupied with farm work that could not be postponed. There were 508 delegates provided for in the call, and though this number was not expected to attend, a fair representation from each county was looked for, and so it proved when the day came for the assembling of the convention.

The South Dakota division convention was called to order at Huron, July 14, at 2.30 P. M., by local Chairman Crawford, with an estimated attendance of 400 delegates. The temporary organization resulted in the election of J. W. Carter, of Canton, chairman, and Frank Adamson, of Sanborn County, secretary.

A Committee on Credentials was appointed consisting of Delegates Wilcox, of Bon Homme; Sterling, of Spink; Southwick, of Kingsbury; Pinkham, of Hand; Sullivan, of Aurora; Edwards, of Brown, and Caldwell, of Minnehaha, to whom the credentials of the several counties were delivered. This committee reported thirty-six of the fifty counties of South Dakota represented by nearly four hundred delegates. The report was adopted. Addresses were made by Colonel Plummer, of Brown County, and John J. Kleiner, democrat, of Hughes; T. D. Kanouse, of Sanborn and Doctor Blackburn, of Hughes, also spoke. All the remarks were uncompromisingly for division—the keynote being “division or no admission.”

The Committee on Permanent Organization composed of Beadle, of Yankton; Jeffery, of Clark; Maynard, of Brule; Pease, of Codington; Adams, of Day; Foster, of Spink; McManima, of Hughes, reported recommending Hugh J. Campbell, of Yankton, chairman; A. M. Lichtenwalter, of Hughes; John H. Drake, of Brown; and L. W. Crofoot, of Beadle, secretaries. The report was adopted and the president-elect took the chair and made a brief address in the course of which he said “I will never submit to admission as a whole.”

A Committee on Resolutions was appointed consisting of A. J. Edgerton, of Davison; Thomas Sterling, of Spink; Geo. H. Hand, of Yankton; H. R. Pease, of Codington; Oliver, of Edmunds; Adams, of Brown; Haines, of Hanson. There was also a committee appointed on “Plan of Campaign,” consisting of A. C. Mellette, John A. A. Pickler, F. W. Caldwell, T. H. Conmiff, A. G. Kellam, Frank LeCocq, and Mr. Hedley.

The report of the Committee on Plan of Campaign brought out considerable discussion. As finally agreed upon and put in formal shape, it was in words following:

**Mr. President—Your committee on plan of campaign begs leave to report the following as its suggestions for the organization of the southern portion of Dakota Territory for the work preparatory to the coming election on division:**

First. That there be appointed an executive council consisting of thirteen members, the chairman of which shall be chosen by this convention and two members, one a democrat and one a republican, by the delegates here present from the counties in each of the respective United States land office districts, as follows: Aberdeen district, Watertown district, Mitchell district, Yankton district, Deadwood district, Huron district.

Second. That there be appointed by this convention, at large, from the southern portion of the territory an advisory committee of twelve whose duty it shall be to suggest to the executive council such matters and plans of campaign work as may to them seem calculated to further the cause of division.

Third. That there be appointed by this convention two committeemen in and for each county, one democrat and one republican, to be selected as far as practicable by the delegations from the respective counties, whose duties shall be to attend to all matter of detail regarding the campaign in their county, and to complete the county committee by the appointment of additional members, one from each voting precinct.

Fourth. That the executive council shall have general charge of all matters connected with the campaign, and shall have power to raise funds to pay the necessary expenses thereof, by assessing upon each county its due proportion, and by such other means as may be devised.

Fifth. That the executive council be requested and empowered to provide a press bureau for the purpose of arranging and disseminating through the newspapers of the territory facts and arguments in support of division, and also to engage speakers, both from the territory and abroad, to discuss before the people the question of division.

Sixth. That a committee of six be appointed to correspond with the press of the United States on the subject of this campaign, and to secure their support for the claims of the divisionists.

Seventh. That a committee of five be appointed on printing to superintend the printing and distribution of documents for the campaign.

Eighth. That a committee of nine be appointed to correspond with members of Congress, and present to them the claims of Dakota, and urge the action of Congress at this next session.

Ninth. That a committee of five be appointed to correspond with and confer with the friends of division in North Dakota, and to take such steps as may be necessary to secure their cooperation in this campaign.

The report was adopted.

The convention then proceeded and elected the executive council and appointed the various committees as follows:

Executive Council—Hugh J. Campbell, chairman.

Aberdeen Land Office District—John H. Drake and E. Swellenbach, of Brown County. Watertown District—George A. Mathews, of Brookings and L. W. Stakel, of Clark. Huron District—L. W. Crofoot, of Beadle and J. C. McManima, of Hughes County. Yankton District—O. S. Gifford, of Canton and Gen. Chas. T. Campbell, of Bon Homme. Mitchell District—A. G. Kellam, of Brule and James A. Ward, of Minnehaha. Deadwood District—F. J. Wahabough and B. G. Caulfield, of Lawrence County.

Advisory Committee—R. F. Pettigrew, of Minnehaha, chairman.

V. P. Thielmann, of Turner; D. W. Poindexter, of Spink; John T. Kane, of Sanborn; J. J. Kleiner, of Hughes; J. A. Pickler, of Faulk; A. D. Chase, of Codrington; M. H. Day, of Bon Homme; J. C. Adams, of Day; J. H. Patten, of Miner; E. G. Smith, of Yankton; A. Davis, of Beadle.

County Committeemen—Aurora County, W. H. Hooper, H. F. Fellows; Beadle County, J. T. Ohlwine, E. C. Issenbuth; Bon Homme County, Robert Dollard, Joseph Zitka; Brookings County, H. S. Murphy, John Downing; Brown County, Joseph Wells, Thomas Edwards; Brule County, George Butler, E. Greene; Buffalo County, F. K. Payne, E. A. Cleaver; Campbell County, W. F. O. Owen, Frank Alexander; Charles Mix County, John Colvin, Joseph Ellis; Clark County, James A. Grant, John Seaman; Codrington County, D. C. Thomas, R. W. Kemp; Davison County, E. A. Hitchcock, James S. Foster; Deuel County, Capt. A. Harkins, Peter Mulholland; Douglas County, C. H. Brown, F. LeCocq; Faulk County, C. W. Johnson, J. H. Wallis; Fall River County, A. S. Stewart, Eugene Norton; Grant County, John Douglas, A. B. Smedley; Hamlin County, William Martin, ——— Beck; Hand County, G. L. Pinkham, C. W. Bowre; Hanson County, P. F. Wickham, ——— Chapman; Hutchinson County, A. S. Jones, G. John Maxwell; Hyde County, M. G. Sinon, S. R. Meggs; Jerauld County, H. A. Miller, John Chapman; Kingsbury County, John A. Owen, Charles Knecht; Lincoln County, J. W. Taylor, James Madden; McCook County, H. L. McClure, J. H. Shannard; Miner County, J. T. Cogan, W. W. Cole; Minnehaha County, R. W. Burkholder, J. T. Gilbert; Moody County, F. A. Spafford, John Hobart; Pennington County, John H. King, P. B. McCarthy; Roberts County, W. G. Ashton, D. Eastman; Spink County, C. H. Meyers, C. B. Stevens; Sully County, W. A. Lynch, E. W. Fakin; Sanborn County, M. M. Price, F. Anderson; Turner County, Joseph Allen, Daniel Dwyer; Yankton County, Geo. H. Hand, James Kingsbury.

The executive council was empowered to fill vacancies in any county.

State Press Correspondence—R. W. Wheelock of Mitchell, L. W. Crofoot of Huron, C. J. Anderson of Plankinton, F. S. Kellogg of Woonsocket, Daniel Wilcox of Bon Homme, John B. Sweet of Codrington.

Printing and Distribution—A. Davis of Beadle, Edwin Greene of Brule, J. P. Hilger of Hughes, J. W. Woods of Sanborn, Thomas Thorson of Lincoln.

Conference with North Dakota—A. C. McAllister of Congress, H. W. McAllister of Hughes, John McDonald of Hyde, W. C. Phinney of Bismarck, F. D. Johnson of South Dakota. Correspondence with Congressmen—J. J. Kleiner of Hughes, R. F. Pettigrew of Minnehaha, C. G. Williams of Congress, H. W. Carter of South Dakota, J. S. Gifford of Lincoln, C. H. Price of Hyde, W. H. H. Beadle of Yankton, L. W. Whiteher of Hyde County.

De Kootenoke Convention—Hugh J. Campbell of Yankton, John A. Owen of Congress, L. O. Jeffries of Hyde, J. W. Hardin of Jerauld, J. T. Headlee of McCook.

The Committee on Resolutions made a report as follows:

Resolved, That we reaffirm the declaration already many times made, in constitutional conventions, legislative assemblies, and in memorials to Congress, that we are unalterably opposed to admission as a whole.

Resolved, This convention declares for the division of this territory into North Dakota and South Dakota, on the 7th standard parallel, and that we seek such division for the reason, among others, that good government, economical and well administered, will be more readily secured thereby for both sections than by admission as a whole. That thereby we shall have our proper and rightful representation in Congress, preserve that just balance of power to which a great population should be entitled, and secure the highest permanent good for both North and South Dakota.

3. That we earnestly urge upon the people the great importance of casting a full vote upon this question.

4. That on behalf of the people of South Dakota we extend to the people of North Dakota greeting. And that we cordially invite them to join us in a large and overwhelming vote for division upon the 7th standard parallel.

5. That this convention affirms its conviction that it is the just and primary right and province of a people about to be admitted to the Union to designate their state boundaries, subject to be modified with their consent upon the proposal of Congress, for grave reasons only, affecting the public welfare. And that due regard being had to the circumstances and development of Dakota, to the history and practice of the Government in the admission of states, and to the general welfare of the Union. All these considerations unite in dictating the division of the territory in accordance with the plan submitted by the act of the Territorial Legislature to the suffrage of the people at the November election for 1887.

6. That the communication of the result of such vote to the President and Congress, as provided for in the act of submission, is founded upon the great constitutional right of petition. And that we hold it to be the duty of Congress, in the just exercise of its discretion, to grant the prayer of such petition.

7. While we recognize the fact that the Constitution confers upon Congress a just discretion in the admission of new states, we protest against the unjust and tyrannous exercise of such power by refusing to admit a new state into the Union upon an equal footing with other states, after having fulfilled the purpose of territorial life.

8. That our claims for division and admission are of that importance to demand the attention and support of the people of the United States without distinction of party, and that in our efforts to determine our own boundaries and to secure the full rights of citizens of the United States, we most earnestly appeal to their sense of justice, to their understanding of the blessings of free government to aid us in our cause.

9. That this convention approves and endorses the efforts of Senator Dawes and others during the sessions of the forty eighth and forty ninth congresses looking to the opening to settlement of a portion of the Great Sioux Reservation.

10. That we respectfully request the President of the United States, the secretary of the interior and the commissioner of Indian affairs to recommend to the Fiftieth Congress the passage of a measure providing for the opening to settlement of a portion in the whole of the Great Sioux Reservation, and we respectfully request the members of the Fiftieth Congress to pass such an act.

11. That the denial of our right to division and admission for so long a period after compliance with all the conditions and requirements for admission is without precedent in the history of this Government, and contrary to the principles upon which the Government is founded. And if a people possessing the territory, the wealth, the intelligence, the morality, and the population requisite for a great commonwealth can so long be kept out of the Union by the exercise of arbitrary power, we may well feel uncertain for the future and of the security of our republican institutions.

With the adoption of the platform, the convention adjourned.

#### NORTH DAKOTA CONFERENCE

A conference of the division leaders north of the 7th standard was held at Fargo on the 25th of August, which resulted in calling a nonpartisan division con-



vention at Fargo, to be held the 4th of October for the purpose of endorsing division and preparing a plan of campaign. The ratio of representation in the convention was fixed at one delegate for every 200 votes cast for delegate to Congress in 1886, and one delegate for every fraction of 100 or over. All organized counties were entitled to at least one delegate. County conventions to select delegates to the Fargo convention were appointed to be held on the 1st of October, and the conference appointed committeemen in each county to arrange for these primary gatherings—the call being based on the plan of the sister convention held in the southern section. The call was signed by the citizens whose names are given below:

Committee at Large—C. T. Clement, chairman; George E. Bowers, Waldo M. Potter, George M. Winship, G. H. Elisbury. Cass County, C. A. Pollock, Alex. McHench, N. K. Hubbard, E. C. Eddy, B. F. Spalding. Grand Forks County, W. J. Anderson, J. B. Winneman, James Elton. Griggs County, C. H. Ford, C. H. Mosley, John Hogason, J. H. VanVorhees. LaMoure County, C. W. Davis, J. M. Bartholomew, W. E. Brewer. Nelson County, J. M. McLaughlin, Nathan Webb, S. W. Bean. Richland County, John C. Pyatt. Ransom County, J. E. Wisner. Ramsey County, Charles Courrier, S. A. Nye. Stutsman County, Johnson Nick-eus, J. C. Wanock. Steele County, C. J. Paul, E. J. McMahon. Traill County, F. W. Ames, George W. Griswold, E. J. Smith, L. E. Travers. Walsh County, E. O. Faulkner, George Harvey, Joseph Toombs, John L. Cashel, H. C. Upham, J. G. Millspaugh.

It was announced that Hon. J. J. Kleiner, of Pierre and Hon. A. C. Mellette, of Codington County, would attend the North Dakota convention. Mr. Kleiner was a democratic member of Congress from Indiana, before settling at Pierre, and favored division.

The convention assembled at Fargo, October 4th, in response to the call and was composed of the accredited representatives of over twenty-five thousand voters in the north half of the territory, according to the statement of the secretary of the convention. No list of the names of delegates has been procurable for this work.

Hon. D. S. Dodds, of Nelson County, was elected president and J. B. McMahon, of Steele County, was chosen secretary.

The purpose of the convention being solely in the interest of a division of the territory, the convention devoted itself to outlining plans for a vigorous campaign during the month that would intervene before the election. A committee appointed to prepare an address to the people of North Dakota, composed of Waldo M. Potter, of LaMoure County; H. M. Hansbrough, of Ramsey County; Mr. Falley, of Richland County; Mr. Hudson, of Cass County and J. C. Warnock, of Stutsman County, submitted the following:

#### To the Voters of North Dakota:

Pursuant to law an election is to be held on the coming 8th of November, to take the sense of the people of Dakota Territory as to a division of the territory "upon an east and west line upon the 7th standard parallel." The ballots to be cast must have either written or printed thereon "For Division" or "Against Division." Returns of the vote are to be made as a general election, and the result in the territory at large is to be communicated by the governor to the President and Congress of the United States.

We are thus confronted with an issue in which every citizen of Dakota has a deep interest—not only for himself alone, but for all that shall come after him. Shall this vast section of the Northwest, embracing an area of 150,000 square miles, become and remain forever one state in the Union, with only two votes in the United States Senate? Or shall it be divided into two territories, and be ultimately admitted as two states with four votes at its command for the protection of northwestern interests? This is the issue on which every voter is asked to express his opinion at the ballot box. If the people of Dakota are themselves willing to abdicate their rights, and to accept two senators as against twenty-two from an equal area in the East, embracing all New England, New York, Delaware, Maryland and Virginia, the responsibility for such disgraceful surrender will be all their own. But if they are unwilling to go into the Union thus shorn of their rightful power, they have but to speak in the thunder tone of their half million of voices to be heard and heeded at the capital of the nation.

But vitally important and far-reaching as the project of divided representation may seem, the fact of political parties in the Northwest Territory, and the conditions, scarcely less potent, which render division a necessity. We are all interested in securing an intelligent, honest and economical administration of public affairs, but there is reason to doubt whether such a government is possible in so large a territory, under our republican forms. In Dakota the people practically have no voice in territorial conventions. The distances are so great that large sections are not represented by delegates in person, but by proxies, furnished to order, enabling sharp managers to control nominations. Legislators, also, are so far removed from the people as to weaken the sense of responsibility, while sectional jealousies make a bear garden of the halls of legislation, of which advantage is taken by lobbyists to defeat promised reforms, and secure unrighteous laws. The history of Dakota legislation is a record of sectional intrigues, crude laws, shameful profligacy and defiance of the popular will. The obvious remedy is to reduce the area by division, cut off the sectional feuds, bring the government nearer to the people, and stop the log-rolling of twin sets of public institutions to reach the very bottom of the treasury. Besides, official records disclose the fact that very large states are more expensive to govern than smaller ones, the rule being, the smaller the state the lower the tax. Which may be accepted as proof that Dakota, divided into two states, will be more cheaply governed than as one.

In addition to these considerations which affect both sections equally, there are others which may well induce the people of North Dakota to give a solid vote for division. The territorial capital is now located north of the proposed line of separation, while the voting power of the territory, by an overwhelming majority, is found south of that line. The south is largely for division, and if the north should falter on the present issue, can we expect to retain the capital? There is food for thought in this inquiry, and in the further suggestion that, as one state, the south will continue to hold the balance of power, and by combinations with Central Dakota will be practically able to disregard the interests and wishes of the north in the Legislature, and in conventions, and to shut her out from equal participation in honors and benefits. In this connection it is unwise to lose sight of the fact that the territory is practically divided now in its sympathies as well as in its material interests. That southern industries center toward Chicago; northern industries toward the Twin Cities and the Great Lakes. That each section has its public institutions. That all the various religious orders draw a dividing line on the 7th standard parallel. And that the antagonism of the two sections crops out whenever they meet in representative assemblies. From all which it is clear that the weakest will inevitably be driven to the wall if forced into an unnatural and permanent union. North Dakota can hardly be so foolish as to accept the hazards of a perpetual minority, when thus warned of the probable fate in store for her.

If there are those who have opposed division in their anxiety for early statehood, it may be well for them to pause and reflect whether the road they have been traveling will soonest lead to the object of their desire. South Dakota has marshaled her hosts directly across their path. She has declared her purpose, and will make it appear clearer than ever before at the November poll that she will resist to the utmost any attempt at admission as one state. Having in her power to control every expression from Dakota, she will make her purpose good. And while her treatment of the north, during her recent race for statehood, was not altogether just or politic, yet as we are only concerned with this issue now presented, we may congratulate ourselves that her position is unexceptionable. She declares her division on the 7th standard parallel which divides the territory into dividing counties, townships and farms with the border lines, and also proffers an equal share in a title of a world-wide renown by advocating that the names of North Dakota and South Dakota be given to the proposed separate parts. On this basis she invites the north to join in securing a verdict "by the people, for the people," in favor of division, and to pronounce it with an emphasis that will forever dispel and silence any pretence hereafter on the part of Congress, or the national executive, "to find out what the people of Dakota want."

The manner of Dakota's treatment by the National Government is without a parallel in the history of the nation. A half million American freemen are, and have been for years, denied the common rights of citizenship—self government, representation in Congress, and participation in the choice of chief executive. With more miles of railroad, more schools, more banks, and more newspapers than half the states of the Union, and less illiteracy than almost any of them, our demands remain undelivered, while eastern politicians are expected to hold the offices and play the part of chiefs over a great and intelligent people. Nor is this all. Dakota is kept in the swaddling clothes of territorial regulation by which justice is practically denied through the intrapreciousness of courts, and the great distances to be traversed in attending them. While as an incident of this condition the vast patrimony of the school lands is being frittered away and lost, from which a princely revenue might be derived under statehood, to the manifest relief from the present burden of school taxation. From evils so great, and wrongs so monstrous, the only avenue of escape would seem to be a popular uprising that will bring the national lawmakers to their senses. A majority will certainly vote for division, and if that vote can be made unanimous, Congress cannot and will not dare defy such a majestic expression of the popular will.

On behalf, therefore, of the people here represented, we invite the electors of North Dakota to vote "For Division" at the coming November election, because such a vote will be equivalent:

1. To a demand on the part of the people of Dakota, without distinction of party, that Congress accord, at the coming session, recognition of their right and redress of their wrongs.
2. To a declaration that Dakota, whether as a territory or state, is too large for wise, economical and honest local government.
3. To a notice that the Northwest will insist that the vast region embraced within the present boundaries of Dakota shall ultimately be represented in Congress by at least four United States senators.
4. To a verdict that the first step in order is the division of the great territory on the line selected by its half million people.

The importance of a full vote cannot be overestimated. A small vote will only aggravate present conditions by affording excuse for further neglect, and settle nothing. But a full vote will put an end to controversy, secure early action in Congress, and give the two Dakotas an impulse of prosperity which neither has yet enjoyed. Again we press the admonition—"Give division a full vote."

#### A VOICE FROM THE CENTRAL COUNTIES

There was a strong sentiment opposed to a division of the territory in the counties bordering the proposed division line, north and south of it, but it may be questioned whether a majority of the people there held a similar view. During the pendency of the division question in 1887, which was voted upon at the November election, the pioneer newspaper of Aberdeen which was the commercial and political metropolis of Central Dakota at the time, gave out the following regarding the effect a failure to divide would have upon the political fortunes of the central belt and though division followed, it will be admitted that the northern counties of the new state have been able to wield their full share of influence and secure their full share of the most honorable stations in the state. We quote from the *Aberdeen Pioneer*, October, 1887.

The anti-divisionists are a queer set of fellows. They say no matter how the people of Dakota may vote, it will make not the slightest difference in the world—we shall have to come into the Union just as Congress shall decide to admit us—one state or two just according to which party may be in control of Congress. If this is so, "why do the heathen rage and the people imagine vain things?" Let the people vote. An election is to be held anyway. It will not add one cent to the cost of the election to vote on the question of division. The proposition has been submitted by an act of the Legislature—the voting, according to our anti-division friends, will have no effect upon the powers that be. Where then is the necessity for them to get so stirred up and excited over the question? If they are right in what they say, division will depend entirely upon the supremacy of one part or the other in Congress. Admission as a whole is the democratic idea, and division as two states is now the republican idea. A majority of the people of Dakota are in favor of the republican idea—they will say so at the polls in November. Some republicans will vote with the democrats on this question, and some democrats will vote with the republicans, being governed more by local prejudice and conceit than by fealty to party or by abstract principle.

Here in Aberdeen there is a sentiment of hostility to division which is purely local. It has been born of the idea that in case the territory is admitted as a whole, the capital might be removed from Bismarck to Aberdeen. This we conceive to be an idle dream. By opposing division now we will forever alienate from us the friendship of the south, and it is not to be supposed that the Bismarck ring would have such a lively sense of gratitude toward Aberdeen that it would hurry to transfer the capital here. Once in the Union as a great, grand state, the north and the south would shake hands across central Dakota, and the influence of these central counties would be no greater in the one great state than is the influence of the central counties of the State of Pennsylvania when Pittsburgh and Philadelphia act together, and they always combine forces when they want anything, paying no regard to central counties and cities. Extremes are always ready to combine in politics. Central Dakota in the great state would find herself ground to powder by the combination of the Black Hills, Yankton and Sioux Falls in the south, and Fargo, Grand Forks, Jamestown and Bismarck in the north. Our position would be much better as the northern section of the State of South Dakota, where our influence would be great and command respect, than to be the central belt of the great, grand state, and ground to powder at every session of the Legislature by a combination of the two great sections—north and south. The most we could ever hope to be would be the tail of the political kite of one or the other of them, accepting for services rendered a meagre mess of political pottage. As to the location of our city as a commercial and trade center, it cannot be affected one way or another by division or admission as a whole.



These are the views of the Pioneer upon this subject. They may run counter to the views of many of our citizens, but they are sincerely entertained and will be fearlessly advocated, although there is no particular reason for getting boiling hot on the subject.

#### THE ELECTION AND LOCAL OPTION

About the last of October the executive council of the division convention issued the following suggestions regarding the form of the ballot to be used at the approaching election, in voting "for" or "against" division:

Upon advice with the leading lawyers of the territory the council recommends that but one ballot be used. Upon the ballot can be printed:

First—The name of the county

Second—Upon the question of the division of the Territory of Dakota upon an east and west line, upon the 7th standard parallel; "For Division" or "Against Division."

In counties where the question of local option is to be voted upon:

"Intoxicating liquors." "Upon the question of prohibiting the sale of intoxicating liquors in ..... County, Dakota Territory; 'For the Sale.' Or 'Against the Sale.'"

In commissioner districts where a county commissioner is to be voted for, add the following:

"For commission, ..... commissioner district, ....."

HUGH J. CAMPBELL, Chairman.

GEO. H. HAND, Secretary.

November 8, 1887, was election day when the voters of North and South Dakota voted on the proposition to divide the territory on the seventh standard parallel. And the people of the various counties voted on the question of the sale of intoxicating liquor. In effect this local option was a county election, as the vote of each county was separate, and made no difference as to any other county.

#### THE VOTE ON DIVISION

The following table gives the vote of each county at the election held November 8th, when the question of a division of the territory was voted upon. Under the law the returns for the two divisions of Dakota, north and south, were made separately:

##### NORTH DAKOTA

Name of County	Division		Name of County	Division	
	For	Against		For	Against
Benson .....	274	294	Mercer .....	12	50
Billings .....	9	31	Morton .....	78	394
Barnes .....	274	944	Nelson .....	330	361
Benson .....	100	200	Oliver .....	6	30
Bottineau .....	120	175	Pembina .....	437	1,252
Burleigh .....	42	22	Ramsey .....	502	215
Cass .....	1,327	2,627	Richland .....	90	1,086
Cavalier .....	20	613	Rolette .....	40	82
Dickey .....	79	880	Ransom .....	282	553
Eddy .....	17	218	Sargent .....	72	704
Emmons .....	7	250	Stark .....	74	207
Foster .....	10	133	Steele .....	123	212
Grand Forks .....	1,587	941	Sinsman .....	384	777
Griggs .....	100	153	Towner .....	39	81
Kidder .....	63	293	Truitt .....	487	1,105
LaMoure .....	155	359	Walsh .....	786	1,353
Logan .....	4	37	Ward .....	305	467
McHenry .....	45	30	Wells .....	43	70
McIntosh .....	5	213			
McLean .....	93	120	Totals .....	8,830	18,007

Against Division, majority, 9,177.

## SOUTH DAKOTA

Name of County	Division		Name of County	Division	
	For	Against		For	Against
Aurora .....	724	119	Hyde .....	423	32
Beadle .....	2,334	05	Jerauld .....	453	89
Bon Homme .....	856	303	Kingsbury .....	973	147
Brown .....	456	2,446	Lake .....	614	409
Buffalo .....	09	20	Lawrence .....	1,054	641
Butte .....	37	63	Lincoln .....	680	491
Campbell .....	158	231	McCook .....	600	247
Charles Mix .....	665	41	Marshall .....	144	500
Clark .....	643	136	Miner .....	640	180
Clay .....	409	400	Minnehaha .....	1,026	979
Codington .....	977	361	Moody .....	336	387
Custer .....	158	231	McPherson .....	15	115
Davison .....	1,013	179	Pennington .....	373	473
Day .....	467	540	Potter .....	391	143
Deuel .....	268	353	Roberts .....	69	163
Douglas .....	645	110	Sanborn .....	741	95
Edmunds .....	133	630	Spink .....	1,307	576
Fall River .....	191	59	Sully .....	370	56
Faulk .....	836	74	Turner .....	389	159
Grant .....	539	510	Walworth .....	131	570
Hamlin .....	228	277	Union .....	587	290
Hand .....	800	200	Yankton .....	796	67
Hanson .....	504	205			
Hughes .....	668	17	Total .....	29,826	15,535
Hutchinson .....	708	82			

For Division, majority, 14,291.

The vote was a light one and the result contained a number of surprises, chief among them the loss of the division strength in North Dakota. And a peculiarity of the vote was the apparent disclosure that it was affected by railway influences. In the counties where the Northern Pacific controlled the transportation interests, the vote favored "against division." Where the Manitoba otherwise the Great Northern held control, the division sentiment was strong and emphatically expressed.

The anti-division vote in many of the counties bordering near the proposed division line was generally expected, owing to a prejudice in that section to being placed on the northern border of the southern state. That the prejudice was not well founded subsequent political events have given ample proof.

## EXPLAINS THE NORTHERN VOTES

Mr. Thomas Niell was vice president of the Dawson Banking Company, at Dawson, Kidder County. He gave to the public a statement explaining why a majority of the voters in the northern part of the territory had voted against division. He was an ardent divisionist, and was astonished and thoroughly indignant, when the election disclosed that North Dakota had voted against division. He set to work to ascertain what had changed the sentiment in that section of the territory. His own county had gone against dividing the territory. He made a careful and extended inquiry, and found that the advocates of the "one-state" plan, who had worked among the voters in that portion of the territory, had represented that if the territory was divided, South Dakota would be admitted at once into the Union as "Dakota," while North Dakota would be made a territory under some other name, and be kept in the territorial condition for many years. Mr. Niell believed that if the ballot used had been prepared to read "for division and the admission of two states, 'North Dakota' and 'South Dakota,'" it would have carried in the northern section.

## A CONVENTION AFTER ELECTION TO OPPOSE DIVISION

A convention of delegates from the various counties was held at Aberdeen on the 15th of December, 1887, for the purpose of taking formal steps to oppose the

division of the territory, and favor the admission of Dakota as one state. The majority against division in North Dakota, and the apparent indifference of the people toward the question, as reflected by the action of the election, had greatly encouraged the opposition to division. The call for the convention had been put forth with the view of eliciting the participation of members of all parties, but Governor Church was connected with the movement quite prominently, and a number of leading democrats were active in promoting it.

The convention assembled at Aberdeen on the 15th of December, and about three hundred delegates from various parts of the territory were present. Governor Church was also present. Others were N. C. Nash, editor of the News, Canton; John D. Lawler, territorial treasurer, Mitchell; ex-Attorney-General George Rice, Moody County; Cyrus Wellington, Grand Forks; W. E. Lodge, Fargo; Dennis Hannafin, Col. Wm. Thompson, and W. C. Jewell, editor of the Tribune, all of Bismarck; Hon. F. P. Wells, Jamestown; John H. Drake, Aberdeen; Col. F. A. Gale, Canton, chairman of the Yankton Hospital Board; ex-Gov. John L. Pennington, Hughes East, E. M. O'Brien, Elias Shute, Otto Peemiller, R. H. Hutchinson, D. H. Keets, Yankton; Abraham Boynton, Lemus; J. Goodykoontz, Chamberlain or Mitchell; W. C. Grant, Armour, F. H. Wilson, S. D. Griffin, S. P. Smith, Faulk County; H. C. Vollmar, Bron A. Dodge, H. J. Glasett, F. A. Eldridge, Wm. Graham, J. A. McBride, F. E. Glomstead, John Douglas, Asa A. Storas, and G. W. Hoes, Grant County; F. G. Wright, W. H. Carsons, Lem J. Clark, N. J. Johnson, A. C. Phillips, O. D. Norwold, W. W. Goddard, C. H. Winsor, Wm. Van Eps, W. J. Skillman, F. G. Smith, and W. D. Stites, Minnehaha County.

L. G. Johnson, of Brown County, called the convention to order, followed by prayer from Rev. Dr. Lawson.

The formal proceedings are here given. After reading the call, Mr. Johnson stated that he had been requested to nominate the following gentlemen for temporary officers: Chairman, H. C. Preston, of Davison County; secretaries, B. F. Spaulding, of Cass County, Doctor Burdick, of Clay County, W. W. Goddard, of Sioux Falls, and G. W. Kellogg, of Stutsman County. Chairman Preston, on taking the chair, spoke briefly. He said the meeting was not partisan or vindictive. But was called to give expression to the sentiments of that large class of citizens who were opposed to a division of the territory, or who believed that its division so difficult of accomplishment, that statehood should no longer be deferred waiting for it. That the best interests of the people demanded a state government at the earliest day it could be properly secured. He stated that he had always favored division, and would still, were it not that he had come to the conclusion that division was impossible of accomplishment. He then spoke of the advantages of the state government, and also introduced some of the advantages claimed for a large state with commendatory comment.

On motion, the chair then appointed the following Committee on Credentials: Wilson, of Pembina; Wm. Van Eps, of Minnehaha; R. M. Chesney, of Brown; Jacob Schupe, of Bon Homme; W. E. Russell, of Richland; M. Alving, of Grand Forks; F. N. Burdick, of Clay; B. C. Arnold, of Edmunds; Owen Peavoller, of Yankton; A. G. Hawes, of Grant; S. T. Flemington, of Dickey; Emil Moses, of Sanborn; D. C. Ross, of Sargent; A. W. Edwards, of Cass, and T. H. Wilson, of Faulk.

The following were appointed: Committee on Permanent Organization, W. E. Dodge, of Cass; J. C. Chamberlain, of Richland; C. T. Grant, of Douglas; Hughes East, of Yankton; J. T. Huntington, of Day; Col. L. A. Gale, of Lincoln; D. C. Russell, of Barnes; J. Ronayne, of Aurora; D. M. Fay, of McIntosh; R. M. Allen, of Stutsman; Colonel Thompson, of Burleigh; A. G. Tully, of Hand; J. C. Wilkenson, of La Moure; W. C. Gray, of Hand, and D. M. Griffin, of Walworth.

After the noon adjournment, the convention re-assembled, and the Committee on Credentials reported 59 counties represented, with 636 votes.



Delegate L. G. Johnson, Brown County, presented a letter from ex-Judge G. G. Bennett, Lawrence County, commending the object of the convention. Though no proxy was enclosed, a motion was made and carried permitting ex-Governor Pennington, of Yankton, to cast the vote of Lawrence County, there being no delegates from that section.

The Committee on Permanent Organization then reported as follows:

For chairman, Hon. Geo. Rice, of Moody County. Secretaries, B. F. Spaulding, of Cass; W. R. Kellogg, of Stutsman; F. M. Burdick, of Clay; W. W. Goddard, of Minnehaha; N. C. Nash, of Lincoln, and H. M. Williamson, of Moody. The report was adopted and Mr. Rice was escorted to the chair. He accepted the honor conferred by his selection to preside over a convention of the people of the territory assembled for a purpose of considering a subject of such vital and lasting importance. He considered the convention the most important ever held in the territory. This was the first time Dakota had ever unitedly asked for admission. He reviewed the division and admission movements, and stated that no state had the right to self-government without the consent of Congress. He then referred to the great prosperity of Central Dakota, including the grand county, wherein the convention was being held, and said it had never received a dollar in direct appropriation from the territorial government.

Delegate Greene, chairman of the Cass County delegation, moved the appointment of a committee of fifteen who were to nominate a delegation to present the memorial to be adopted by the convention to the proper authorities at Washington. This motion was quite vigorously opposed, and an amendment was offered to make the committee one from each county. A spirited debate followed, during which Mr. Goddard, of Minnehaha, offered an amendment to the amendment, providing for two from each legislative district. Mr. Greene, of Cass County, protested with much earnestness against this amendment. He pointed out that North Dakota had given 10,000 majority against division at the late election, and did not propose to submit to a plan that would give her only four delegates to eight for South Dakota.

(The question at issue and the view point of the several delegates who discussed it presented strong support for division owing to the sectional animosity existing between the North and South.)

When a vote was reached both amendments were defeated, and the motion for a committee of fifteen was adopted by a vote of 364 to 306.

(Note—The vote, however, was not cast by delegates in person but by proxy. For instance, the Black Hills voted entirely by proxy through ex-Governor Pennington and L. G. Johnson. Colonel Edwards, of Cass, voted for seventeen. Traill County's delegates voted the entire seventeen for that county. The committee of fifteen had been the plan agreed upon by the leaders, and they were safe in anticipating a favorable result from the final vote of over six hundred.)

The chair then appointed the committee of fifteen as follows:

Greene, of Cass; Charles Sheldon, of Day; J. D. Lawler, of Davison; J. C. Dobbins, of Barnes; M. Sheridan, of Pennington; R. M. Lauder, of Richland; W. D. Stites, of Minnehaha; S. D. Runkle, of Sargent; Jas. M. Moore, of Brown; J. T. Allen, of Stutsman; Chris Hameister, of Yankton; J. W. Jewell, of Burleigh; A. D. Gawne, of Hanson; and Robt. Wilson, of Pembina.

Delegate Smith, of Minnehaha, moved that the committee select the delegation to Washington by giving two members to each judicial district, and three at large. The motion carried.

#### LETTER FROM SPRINGER

The following letter from Congressman William Springer, who was leading the contest in Congress as the champion of the one-state movement from Dakota was read to the convention. It was not stated to whom the letter was addressed,

and it was presumed that it had been sent to the governor or to Hon. J. G. Johnson, who had been prominently identified with calling the convention. From this incident and others it was inferred that the convention had been suggested by influential anti-divisionists at Washington. Mr. Springer's letter follows:

This is the first concerted movement on the part of the people of Dakota Territory, the statehood which has come to my knowledge. Therefore the great object of the great people have been in the direction of division of the territory into two parts, while individuals, certain localities, and newspapers in the territory have opposed such efforts.

These contending factions among your own people have had the inevitable result of preventing any affirmative action whatever by Congress.

Some of our citizens seem to entertain the idea that the question of division of the territory is purely a local one concerning only the people of Dakota. This is a great mistake. The people of every state in this Union are equally interested in this question, and it is no more a question to be left to the territory than would be the question of dividing the State of Florida and erecting two states out of the territory comprised within its present limits.

The average population of the states of the Union exceeds 1,400,000. Dakota at this time does not claim to have a population exceeding 600,000. Hence, at the present time, on the ground of population, there is no well-founded reason for her insisting upon the formation of two states out of her present territory, or for giving the people within her limits four senators in the Senate of the United States, while the State of Illinois, with three million, and the State of New York, with five million people, have but two senators each.

Under section 3, of article 4, of the Constitution of the United States, no new state can be formed or erected within the jurisdiction of any other states, without the consent of the Legislature of such state, as well as of Congress. Those who are claiming the right of division are claiming greater power for the territory than any state of the Union has under its constitution. However, if at any time in the future the people of the territory become so numerous that their material interests would be best subserved by division, the Legislature of the state and the Congress of the United States, acting in conjunction, can secure such division.

Those who are wedded to the idea of division may well postpone the realization of their hopes until a more convenient season, for I can assure them from my knowledge of public sentiment that the division of Dakota at this time and the erection of two states within her borders is utterly impossible.

I have been assailed in some quarters for having opposed the admission of Dakota into the Union, and such criticisms are unjust and without foundation. I have earnestly desired and still do desire the admission of Dakota into the Union as one state, but I have opposed and will continue to oppose her dismemberment. While some of her citizens, perhaps, interested in certain localities that may be affected by division, may criticise my course at this time, yet I feel assured that hereafter those who have insisted upon single admission will be regarded as the benefactors of the territory.

After Dakota shall have been admitted to the Union, and taken her place in the sisterhood of states, the magnitude of her domain, the greatness of her resources, and the courage and indomitable pluck of her people will inspire in every citizen a just and laudable pride. It will be the boast of thousands, and perhaps millions, of our citizens who may hereafter reside within your jurisdiction, that they are the citizens of a great state, and in national conventions of political parties, in the halls of Congress, and in the commercial bodies of the world, her representatives will be accorded that distinguished position which the importance of the state will demand.

I have faith in the future of Dakota. She is destined to take her place very soon in the galaxy of our states as one of the greatest and most prosperous in the Union. I therefore bid you Godspeed in the work of the convention of the 15th of December, and trust that its labors will result in the early admission of Dakota as a state in the Union.

W. M. SPRINGER.

The committee to draft a memorial to Congress and the President then presented its report, as follows:

To the Congress of the United States:

The people of Dakota Territory, assembled in a delegate convention, respectfully represent that they are desirous of the admission of the Territory of Dakota as a state into the Federal Union. We are possessed of the requisite population to entitle Dakota to representation in the House of Representatives in case of admission. We therefore earnestly petition for the passage by Congress of an enabling act authorizing the election of delegates to a convention for the purpose of preparing a constitution for the Territory, and that the constitution so framed may be submitted to a vote of the people of the territory at the next general election for ratification, and if ratified, that Dakota Territory be admitted into the Union as the "State of Dakota."

Submitted herewith are the proceedings of the convention of the people of Dakota, held in the City of Aberdeen, Dakota, December 15, 1887. To all of which we earnestly invite your attention and pray for favorable consideration.

Then came the report of the committee of fifteen to select the delegation to Washington, which follows:

For Delegates at Large—L. G. Johnson, of Brown County; M. L. McCormack, of Grand Forks; W. E. Dodge, of Cass County.

First Judicial District—Granville G. Bennett, of Lawrence, and P. B. McCarthy, of Pennington.

Second Judicial District—John L. Pennington, of Yankton, and R. H. McBride, of Davison.

Third District—W. E. Purcell, of Richland, and A. Garnett, of Pembina.

Fourth District—C. H. Winsor, of Minnehaha, and F. A. Gale, of Lincoln.

Fifth District—C. T. McCoy, of Brown, and J. F. Lee, of Day.

Sixth District—Wm. Thompson, of Burleigh, and J. A. Frye, of Stutsman.

The irrepressible "North" and "South" conflict again came up on the question of adopting the committee's report. The committee had given the delegates at large to North Dakota in order to make their apportionment equal to the delegates from the four districts in the South.

Mr. Wright, of Minnehaha, wanted to know why it was that the three delegates at large were all from North Dakota. He wanted the convention to know that the territory extended south of Brown County. He had no personal feeling against any of the gentlemen named, but it was not to the interest of the cause to give all the delegates at large from the great Northern Pacific country. The Northern Pacific business had already given the anti-divisionists of the South great trouble, and he was opposed to giving the divisionists further latitude in that direction. "This thing smacks of slate work, it smacks of scheming." He then moved that McCormack's name be stricken from the list, and Geo. H. Rice substituted. Rice called Governor Pennington to the chair and taking the floor he said he was sorry the motion had been made, that he could not accept the intended honor, and hoped the gentleman would withdraw the motion. Wright consented to withdraw the motion.

Delegate Greene, of Cass, obtained the floor and stated that "We of the north have given a majority of 10,000 against division, and are entitled to some consideration. We do not propose to be satisfied with six votes while you of the south have nine votes."

An effort was made to divide the report and vote on the delegates at large separately, and this led to a parliamentary tangle, owing to numerous motions and amendments which Chairman pro tem. Pennington was not expecting. There was much confusion. W. H. Corson, of Minnehaha, said he did not want the convention to "cram this thing down the throats of the Minnehaha delegation." Pennington thought the best way was to refer the report to the same committee. This suggestion was taken kindly. Finally the pro tem. chairman decided that the question before the convention was on the adoption of the committee report, and without waiting for further remarks the chair put the motion and declared it carried.

No further business was transacted. The convention quietly adjourned.

Almost the first movement in the convention produced a sectional clash between the north and south, and exposed to the delegates the weak point of the one-state plan at home, however it might be regarded in Washington or by Governor Church, who was present and was doubtless acting under the influence of the Springer letter. The northern speakers urged that because North Dakota had given a large majority against division at the recent election, and South Dakota had given a majority in its favor, therefore the north was entitled to the greater consideration in an anti-division convention. This sounded reasonable. These speeches brought before the members and spectators one of the strong arguments made in favor of division, which was that there was an irreconcilable conflict be-



tween the north and south growing out of the sectional viewpoint from which their interests and relationship were considered. The north virtually demanded control of this anti-division movement because that portion of the territory had cast about two thousand five hundred more votes against division than the south half, but it was willing to include the south half in its declaration that the people of the territory were opposed to division, though the south half had voted by a majority of over fourteen thousand in favor of division. In its dilemma it felt the need of minority representation. That division was being strengthened by the tactics employed to give the north a preponderating influence in this assemblage was apparent, and that the same rivalry would continue in all the future should the territory be admitted as one state. Thoughtful members of the convention were impressed by this view, and among that element there was a feeling that the proceedings of the convention had dealt the cause of anti-division irreparable injury. It seemed an instance of a "house divided against itself."

#### NO MAN'S LAND

Congressman Springer, who was the chairman of the Committee on Territories in the 50th Congress which assembled in December, 1887, gave out a statement of his views upon the subject of admitting new states, from which is taken the following quotation:

Mr. Springer said:

Very probably enabling acts will be passed for some of these territories to adopt state constitutions and to construct the machinery of state governments preparatory to admission as states. The admission of a new state is a very important matter and cannot be done on a mere application or on any mere arithmetical basis. Somehow an impression has got abroad that a territory must have a certain population to qualify it for admission. Some put it at 40,000, some at 60,000, some at 100,000, and I have seen it placed as high as 160,000.

Then I have seen it laid down that the population required to qualify a territory for statehood was just the population which in the apportionment of representatives gets one member in the House of Representatives, but all these theories are entirely fanciful and are arbitrary. There is no law, no rule, and no custom about it. The admission of a new state is entirely a matter of legislative discretion. It is within the power of Congress to erect "No Man's Land" into a state and admit it to the Union. There is no census qualification prescribed. The State of Illinois was admitted when she had less than 40,000 population. Dakota has over 600,000 now. The Congress in its discretion may exclude Dakota and admit "No Man's Land."

Mr. Springer at this time was endeavoring to find a way of getting the Territory of Dakota into the Union as one state. His view on the subject of admission, while it was agreed with him that Congress had the power over the matter of admission of states, it was also felt that Congress would never go to the extreme of admitting No Man's Land. Mr. Springer's talk sounded unstatesmanlike.

Congress had the right to admit a state into the Union, but the question in the case of Dakota was, Had Congress the lawful right to refuse Dakota's admission, or any other applicant that came to it asking admission, bringing all the qualifications for statehood in ample abundance? Better democratic authority than Mr. Springer, by the score, led by a chief justice of the United States in an official opinion, seconded by democratic presidents and statesmen, had declared that it had no such right. The discretionary power given to Congress by precedents was confined to refusing admission to states lacking the lawful and necessary qualifications, and New Mexico at this time was such an applicant, in the judgment of democratic members, as well as republican members. The whole duty of Congress in this matter is to see that no unworthy member gets into the Union enclosure. Mr. Springer, however, never became an authority on this subject.

There was no disposition among Dakotans to dispute the power of Congress in the matter of the admission of new states into the Union. This was fully understood and frankly acknowledged by the people of Dakota. The common

should be taken to the statement of Mr. Springer, that Congress had the power to admit into the Union as a state "No Man's Land." It had the power to admit "new states"—that was its power under the Constitution. What is a state? It is not the land it embraces within its boundaries. "No Man's Land" could not qualify for statehood, for the state is made up of enlightened people who are citizens of the United States, and numerous enough to entitle them to self-government. "No Man's Land," having no people to form a state, could not prepare for or ask admission as a state, and Congress would have no power to admit it as a state. This seems very plain and incontrovertible, and it was surprising that a statesman, acting in his official capacity, with Mr. Springer's intellectual gifts, should have fallen into such a stupid and senseless error.

It might be held that Congress does not admit land into the Union when it admits a state. The land is already in the Union, and the Union has jurisdiction over it and makes laws for its government. It is inseparable from the Union, and Dakota had in that respect been a part of the Union from the date of the Louisiana purchase. The state was something else. It did not bring a rod of land to the Union, but formed its state on land that belonged to and was already within the United States. The people living upon the land brought a "new state" which had been formed, not by land, but by citizens of the United States, the only power that is authorized to form a state, and asked Congress to recognize it on an equality with all the other states, by giving it a place in the Union. A simple motion, in each house, to admit its senators and representatives, Congress being satisfied that the constitution of the new state was republican in form, would seem to have been all that it was essential for Congress to do.

#### AN ENABLING ACT FOR NORTH DAKOTA

In January, 1888, Hon. O. S. Gifford, Dakota's delegate, presented to Congress a bill for the admission of North Dakota into the Union. The bill was in words following:

Be it enacted by the Senate and House of Representatives of the United States, in Congress assembled:

That the inhabitants of the section hereinafter described are authorized to form a state government for themselves under the name of North Dakota.

Section 2. That the said State of North Dakota shall consist of all the territory included within the following boundaries, to wit: Beginning at the point of intersection of the eastern boundary line of the Territory of Dakota with the northern boundary line of the United States, and running thence southerly along the western boundary line of the State of Minnesota to its intersection with the 7th standard parallel of Dakota, thence west along said standard and on a line with the same extended to its intersection with the 27th meridian of longitude west from Washington, thence north upon said 27th meridian of longitude to its intersection with the northern boundary line of the United States, and thence east along said boundary to the place of beginning.

Sec. 3. That in order to secure the formation of such government, the qualified electors within said boundaries are hereby authorized, on the first Tuesday of June, 1888, and in conformity to the laws of the Territory of Dakota, relating to the election of county officers as nearly as practicable and in so far as they may be applicable, to elect delegates possessing the qualifications of such electors, within the limits of such boundaries. There shall be elected at such election the following number of delegates, who shall be appointed among and elected by the qualified voters of each county within said boundaries, the following number of delegates from each county, to wit: One delegate for each 3,000 inhabitants thereof, and in addition thereto one delegate for the major part of the fraction of said 3,000 inhabitants; provided, however, that each organized county within said boundaries shall be entitled to at least one delegate. That said delegates shall each be an inhabitant of the county from which he may be elected. That it shall be the duty of the officers of the several counties herein referred to to provide for the election of said delegates by calling and giving notice of said election, and to canvass the return thereof, as is provided for in the election of county officers, as near as the same may be applicable and practicable.

Sec. 4. That said delegates so elected shall meet at (Bismarck), in Dakota, on the second Tuesday of September, 1888, at 12 o'clock, noon, and when organized shall declare on behalf of the people of that portion of the Territory of Dakota within said boundaries hereinbefore set forth that they adopt the Constitution of the United States; and thereupon

said convention: That a new state be formed out of some or any portion of the portion of Dakota within said described boundaries, and said state when formed and organized shall be known and called the State of North Dakota. Provided, nevertheless, that said constitution shall be republican in form and make no distinction in civil and political rights on account of color, or race, except to Indians not taxed, and not repugnant to the Constitution of the United States and the principles of the Declaration of Independence. Provided, further, that such constitution shall provide that neither the money nor the credit of the state, or of any city, town, or other municipal corporation therein, shall be given or loaned to or in aid of any association, corporation, or private undertaking, and that the aggregate debt of the state shall not at any time exceed \$200,000. And provided further, that such constitution shall provide that the Legislature of said state shall, under no circumstances, exempt any portion of the property within said state, belonging to any corporation organized for religious and educational purposes from taxation, and that no distinction whatever shall be made in the assessment and collection of taxes between an individual and corporation. And provided, further, that said convention shall provide by an ordinance, irrevocable without the consent of the United States and the people of said state, that perfect toleration and the free exercise of religious sentiment shall be secured, that the inhabitants within said proposed state do agree and declare that they forever disclaim all right and title to the unappropriated public lands and the lands the Indian title to which has not been extinguished by the United States lying therein, and that the same shall be and remain at the sole and entire disposition of the United States; that no tax shall be imposed by said state on land or property therein belonging to the United States, or to any Indian tribes or Indians sustaining tribal relations, or which may hereafter be purchased by the United States; and that all navigable waters within said state shall be and remain public highways, free to all citizens of the United States.

Sec. 5. That said convention, having formed said constitution as provided in this act, shall provide by ordinance for submitting the same to the people of said state for their ratification or rejection, at an election to be held at such time and place and under such regulations as said convention may prescribe.

Sec. 6. That at the election last aforesaid the legal voters of said new state shall vote directly for or against such proposed constitution; and the returns thereof shall be made to the governor of Dakota, who, with the secretary and chief justice thereof, and the president of said convention, or any two of them, shall canvass the same, and if a majority of the legal votes so cast in said proposed state shall be for said constitution, said governor shall certify the same to the President of the United States, together with a copy of said constitution and ordinances.

Sec. 7. That on the receipt of said certification of the vote so cast at said election showing the adoption of said constitution by the people of said state as aforesaid, and a copy of said constitution and ordinances, the President of the United States, if said constitution and ordinances shall conform to the requirements of this act, shall thereupon issue his proclamation declaring the state admitted into the Union, and thereupon the said state shall be admitted into the Union on an equal footing with the original states without any further action on the part of Congress.

Sec. 8. That until the next general census said state shall be entitled to one representative in Congress.

Sec. 9. That the governor and other officers to be provided by the constitution shall be elected on a day fixed by said constitutional convention, the territorial officers to hold over until their successors have qualified.

Sec. 10. That the laws of the United States shall have the same application in the said State of North Dakota as in other states of the Union.

Section 11 provides for the transfer of all actions, causes and matters pending from the territorial courts to such courts as may be established. No indictment is to abate by reason of a change in the courts.

Section 12 provides for the granting to the State of North Dakota sections 16 and 36 of each township, and all swamp lands, or their equivalent, for school purposes.

Section 13 provides that the grant of 300,000 acres of land in the provisions of section 2378 of the revised statutes shall be used for school purposes.

Section 14 provides for a donation of seventy-two sections for agricultural college purposes.

Section 15 provides for a donation of seventy-two other sections for the support of an institution for the education of the deaf and dumb, and blind.

Section 16 provides for the donation of fifty other sections, to go toward the erection of suitable public buildings at the seat of government.

Section 17 provides for the donation of fifty other sections to be used for the erection and maintenance of a state penitentiary.

Section 18 provides that fifty other sections are to be used for the maintenance of an asylum for the insane.

Section 19 provides for the donation of seventy-two other sections for the erection and maintenance of a state university.

Section 20 provides for the donation of seventy-two other sections for a state normal school.



Section 21 provides that all salt springs in the state, not exceeding twelve, with six sections of land adjoining each, are granted to the state for school purposes.

Section 22 provides that ten per cent of the net proceeds of the sales of public lands within such state shall be given to the state for school purposes.

Section 23 provides for the sale of the lands above enumerated at such prices as the Legislature shall direct.

Section 24 provides that such state shall constitute one judicial district, with a judge, marshal and district attorney, and provides for the holding of terms of court.

Section 25 explains the powers and jurisdiction of such courts.

Section 26 provides that the salary of the United States district judge shall be \$3,500 per year.

Section 27 provides that the powers of the marshal, district attorney and clerk of the United States district and circuit courts shall be the same as similar officials in other United States courts.

Sections 28 and 29 provide for the transfer of proceedings from old courts to the new.

Section 30 that the secretary of the treasury shall ascertain and audit the expenses incident to the formation of said constitution and the submission of the same to the people of said proposed state, including such compensation to the officers and members of said convention as is allowed to the members and officers of the Territorial Legislature; and the sum of \$20,000.00, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, for the payment thereof; provided that any money hereby appropriated not necessary for such purpose, shall be covered into the treasury of the United States.

A bill, similar to the above, except as to boundaries and name, was provided for South Dakota.

The bills were referred to the Committee on Territories.

#### DAKOTA DEBATE IN SENATE

In 1888, the proposition which involved the making of one state or two states of Dakota Territory, attracted more widespread attention and enlisted more interest probably than any similar event in the history of our country, and in Congress it enlisted the active efforts of the ablest members.

A bill for the admission of Dakota as a state was prepared by the Senate Committee on Territories as early as January 7, 1888, providing for the submission of the Sioux Falls constitution to the people of the south half of Dakota on the 13th of the coming August, and upon its ratification, that part of the territory south of the 7th standard parallel would become a state, able to vote at the ensuing presidential election. By the same bill the northern half was organized into a territory and named North Dakota. This measure would pass the Senate, but it would meet with strong opposition in the House, where the democrats were in the majority and would feel it their party duty to keep Dakota out until after the presidential election.

In the early part of the session it was thought by the friends of admission that South Dakota could be admitted in time to participate in the presidential election to be held in November, and the action of the republican Senate in pressing the bill for admission, had its incentive in that motive.

The Senate began the consideration of the bill for admission and division on the 9th of April. This was the Platt bill. The bill provided for the admission of South Dakota and the organization of the Territory of Lincoln originally, but the Committee on Territories had agreed upon amendments and reported a substitute bill establishing the boundaries of the proposed State of South Dakota, its northern boundary being the 46th parallel of latitude, the northern half of the territory to be organized as the Territory of North Dakota instead of Lincoln.

Senator Platt, chairman of the Committee on Territories, who reported the measure, said the bill was one of four that had been reported by the committee for the admission of new states. (The others were Montana, Wyoming and Washington.) He said:

Suggestions had been made against the use of the names of North Dakota and South Dakota, but the conditions were such that the name of Dakota could not be taken from either

portion of the territory within fifteen miles of the nearest point of market demand, and to be subject to the right of purchase and sale by the government at any time before the next presidential election.

Senator Vest, of Missouri, then introduced a bill.

Did American territory people of States, Territories, or Territories come into the Union as that state, without action on the part of Congress?

Senator Platt, in reply, said:

I do not claim that, but claim that they have the right to form a constitution, and that Congress has not the right to deny their admission. So strongly convinced am I that this territory ought to be divided, that I would be in favor of it, even if the people of the territory were against it. The present territory is too large for one state. And as to the suggestion made at the last session, that the cutting up of the territories into numerous small states would convert the Senate into a mob, it is better that the Senate should be increased so as to represent the popular will and feel the popular pulse, than that a state should be admitted so large as to have an abnormally large representation in the House of Representatives.

If divided the Dakotas, either of them, will be larger than Minnesota, Nebraska or Kansas. Were these states too small? Here was a great agricultural territory capable of supporting a dense population. By 1900 she would have a million of people, and would become a great province of herself. Might she not come in time to feel that she was not as dependent on the Union, as she might be if she were smaller? There is danger in this. I read a dispatch from Washington to a northwestern newspaper stating that certain senators would vote for the admission of but one state, headed "An Imperial State." We want no imperial states. In Dakota poor people cannot get to court on account of the great distances. Such a state of things are subversive of justice. Poor people could not go to the Legislature. It made a government of the rich. There are but six courts for 600,000 people. In many counties court has not been held for two years, and in the jails are criminals who cannot be tried. It was time that the territory with her great population governed herself. The whole present plan made our theory of self-government a lie. A governor from another state was selected and sent down to her. He had the appointment of 125 territorial officers, who spent all her money. I make no charges, but such a state of things breeds fraud and corruption.

Mr. Platt quoted from Franklin's account of the proprietary government of Pennsylvania to show that appointive governors with a veto power were corrupt. The whole history of appointive officers was one of corruption. Dakota now supported her own government. All that the general Government paid out for her was \$24,500 annually, and \$63,350 bi-annually.

Senator Chandler, of New Hampshire, offered an amendment providing that elections for congressmen and for the Legislature to elect the United States senators shall be held subsequently to the passage of the bill.

Senator Butler then took the floor and asked for the reading of a bill which he proposed as a substitute for the one under consideration. This measure proved to be the same as the Springer bill introduced in the House, called the omnibus bill, which included New Mexico. After the reading, Senator Butler said:

The question seemed to have narrowed itself down to a single one, namely—Was the Territory of Dakota to be divided before admission? If this agitating question could be laid aside and the matter settled down to the admission of a single state, it would be easily disposed of. That proposition should have his best efforts and his hearty support. He differed with Senator Platt on none of the great questions involved in the admission of the territory, or her qualifications for admission. But when Mr. Platt went a step further and declared that the people of Dakota had an inherent right to come forward and demand her admission as a state, he must deny the correctness of that proposition. This question was one entirely within the discretion of Congress, and he could show the senator why it was necessary that this discretion should be exercised. If, as the senator has said, this inherent right existed, why should not Utah be admitted as a state? She was in every way as well qualified as Dakota to become a state. Why, then, should she not be admitted? If this same proposition was true, what would prevent 200,000 socialists, anarchists and nihilists, emigrating to this country, settling in some portion of Washington Territory, preparing a constitution and demanding the right of admission? They would have just as much right,

so far as the inherent right is concerned, as the people of Dakota, Montana or New Mexico had. In that proposition Senator Platt had gone too far.

Mr. Butler said he was willing to grant even division, if the proposition came with sufficient unity from the entire people of the territory, but in this case it was a demand made by a faction of politicians who had gone further even than any other class of people to prevent the admission of the territory. He presumed that the Senate and House would be governed by the wishes of the people of the territory when they were fully and honestly expressed, but until they were expressed in favor of this proposition, he should not vote to give them what they had not asked for. The chairman of the committee, on the other hand, with the last vote upon this proposition, by the people of the territory, before him, had gone so far as to disregard the wishes of the people, and to bring forward a measure to dismember the proposed state. He asked the Senate to bear with him while he read something from the memorial of the convention held December 5, 1887, at Aberdeen, Dakota, and further from its delegates authorized to come here and represent the sentiment of the people upon this subject. He would read from the testimony of L. G. Johnson, a prominent business man and ex-soldier—a man of ability, who had no interest in politics and who had held no office in the territory and desired none.

(This was the well-known Ordway Johnson, under whose auspices the Aberdeen convention was largely held.)

Mr. Butler then read extensively from Mr. Johnson's testimony, all of which has appeared to the reader in the arguments of the proxy men and delegates to Aberdeen and the proceedings there. Mr. Ordway Johnson had gone on to Washington as the accredited agent of the Aberdeen convention, and had given Mr. Butler the benefit of an interview. Mr. Butler continued:

But 12,000 out of 77,000 votes had been cast for the constitutional convention of 1885, and after the constitution had been adopted, and a sop thrown to the people in the way of a prohibition amendment, it received but 34,000 out of 77,000 votes. This was 2½ years ago. The population of South Dakota was 263,000 at that time, and that of North Dakota, which had no vote on this set of state officers and this constitutional convention had 150,000. At this time the population of South Dakota had increased to 450,000, making 200,000 who had no vote on this thing, and the population of North Dakota had increased 50,000, making in the territory a total of over 600,000 people who had had no voice in this constitution and the set of state officers which it was proposed to thrust upon them. And yet the majority of this Senate committee on territories would breathe the breath of life into this thing called a state government instituted nearly three years ago. He desired to acquit the majority of the Committee on Territories of any desire to make a partisan matter out of this thing, and to congratulate the committee on the differences in the discussion of this measure this year and that which was held over it in the same committee in the Forty-ninth Congress. But the effect of this bill would be practically a partisan one, for it would get upon the floor of the Senate two republican United States senators, thus settling for some time to come the partisan control of that body. He criticized the majority report for declaring that the people of that territory were heterogeneous, and that there was no community of feeling between the people of the north and south sections. It was queer that a territory made up of 600,000 people, nearly all of Union soldiers, could be called heterogeneous. He should look upon a territory peopled in that way as very decidedly homogeneous. Butler then read from the proceedings of the last state convention, in which the division people had asserted that they would prefer to stay in the condition of vassalage and subordination, rather than accept admission as a whole. But, if the testimony of able, disinterested and prominent citizens like L. G. Johnson and Judge Pennington were to be taken as against this assertion of a coterie of politicians, Congress had but one view to take of the matter.

Butler then referred to one of the gentlemen seeking seats as a senator from Dakota (Mr. Edgerton) as one whom he had spoken courteously to in the last Congress, but who, in a recent speech in Dakota, had alluded to him in an offensive manner, drawing a parallel between the southern man who learned nothing, forgot nothing, and resorted to the bowie knife and revolver, and the Dakota man whose weapons were the Bible and the spelling book.

"That," said Butler, reading an extract from Edgerton's reputed speech, "is the language of a man to whom I extended the courtesy of expressing kindly feelings when he was attempt-



Pharisee, who strikes from the rear and takes cover under the shadow of his own meanness and malignity, I would select the former. If the spelling book and Bible inculcate such education as that, such malignity, such unfairness, such injustice, such falsehood, may God have mercy upon the Bible and spelling book which that man carries with him. Better have them made a bonfire of than to have them teach such language as that which I have read.

"I want to say now and again, that any intimation or suggestion that I am opposed in the remotest degree to the people of Dakota to their admission as a state is untrue, is unfounded and cannot be justified by any record that I have made on the subject. I repeat, as I did upon a former occasion, that when she comes, after a fair expression of her progressive, her enlightened people, knocking at the door, in the form I believe to be constitutional and regular, not only will I not oppose her, but I will exert my feeble efforts to see that she consummates her highest ambition in that respect, and may take rank with the states of the Union. I will say the same thing of the question of division."

Senator DAVIS, of Minnesota, delivered this speech, and spoke to the same effect for the following day.

This Dakota speech was one of the first speeches on national subjects Senator Cushman K. Davis, of Minnesota, had delivered, and there was an unusual attendance of members to listen. Many members of the House, also, and the galleries were crowded. In his reply to Senator Butler, of South Carolina, he so wrought up that senator that Butler had difficulty in restraining himself.

Davis sent to the clerk's desk a circular exposing L. G. Johnson, who had been Senator Butler's chief authority for many highly charged statements, and depriving of the slightest credit in the important discussion pending. Butler should have been convinced that he had been imposed upon by Johnson and Pennington, but the democratic policy in the Dakota matter was to keep Dakota out until after election, therefore the correction of mistakes and apologies for misstatements were deferred until after that event. Mr. Davis said:

Dakota became a territory on the 2d day of March, 1801, when states that have opposed her admission were seceding from the Union. Those states resumed their interrupted relations with little delay, but for years this great northern commonwealth, for purely party purposes, has been denied an equivalent justice. Her people now reappear, demanding rights which reason cannot gainsay or pretext evade with decent plausibility—rights to which they are entitled by treaty stipulations between this nation and a foreign power—by compact between the original states, entered into before the Federal Constitution was adopted, and which by many statutes has since been confirmed, applied and extended as a guaranty of statehood, over regions of the West, Southwest, and on the Pacific Coast. From these domains states have come into being and have been admitted in recognition and performance of both the treaty and the compact. This commonwealth makes claim upon equities more imperative even than these legal rights. In 1803 Napoleon Bonaparte was First Consul of France and Thomas Jefferson was President of the United States. Each of these men was the child of democracy, and they were the most prescient statesmen of that time. Each had foreseen the world-grasping policy of England, and had foretold its persistent processes, which have ever since been and are now in course of fulfillment. The hollow truce which followed the Treaty of Amiens was about to be broken by wars which eventually crushed France, and applied the torch to the capital and public buildings of the United States. In contemplation of this struggle these chief magistrates of the only republics then existing negotiated a treaty by which the United States acquired from France more territory than the people of the colonies had wrested from Great Britain by the War of the Revolution. This domain is now Louisiana, Arkansas, Iowa, all of Minnesota west of the Mississippi River, Kansas, Nebraska, the Indian Territory, part of Wyoming, Montana and Dakota.

The senator then devoted some time to a sketch of the Louisiana Purchase, and the states that have been carved from it, and made copious quotations from various reports, debates in Congress, messages of the presidents, from the beginning of the Government, forming thereby a groundwork for his argument in favor of the admission of Dakota.

At this stage of his remarks, the senator interpolated something of a reply to Senator Butler's remarks of the 2d instant. He said all the intimation which Butler had put forward making Utah a case parallel with that of

Dakota in regard to the inherent right of the territory to admission. He said Utah was not to be brought into contrast with that Christian community of South Dakota. As a Congress and as a people we are bound to take notice that a hierarchy had grown up in Utah which defied all modern laws and over-rode all republican forms of government. He then took the bill for the admission of Utah, which Butler had introduced in connection with the Omnibus Bill, and showed how much more liberal its provisions were than his bill for the admission of Dakota. He said that he would attempt to answer the arguments of the senator from South Carolina to the effect that the people of the Territory of Dakota did not desire admission or division. He would show that the only protest against division had come from that unique and grotesque gathering of a few people—the Aberdeen convention. Striking the subject of Johnson, the senator sent to the clerk's desk, and had read, an extract from the Huron Democrat, a democratic paper, showing Johnson's record as a republican, and the record of the democratic party on the subject of division of Dakota, how in its various conventions they had adopted resolutions asking for the division of the territory.

The reading of the documents was evidently a surprise to the democrats, who began to smile upon Mr. Butler, and finally Butler gave way and laughed heartily at the authority which had been presented as the exponent of the wishes, not only of the democratic party, but of the people of Dakota. At the close of the reading of the documents, Senator Davis said:

This Johnson, a mugwump in the last stage of progression, having no place on the committee of the Aberdeen convention, had furnished the senator from South Carolina with all the ammunition for his argument. The convention was made up of every land agent, of every county seat speculator, and of every investor of whatever nature in the counties upon the edge of either the proposed new territory or the proposed new state. The call was an anonymous one, signed by the secretary of some alleged club, and it was made the pretext for the denunciation of the division movement.

Davis then turned to the statement made by the senator from South Carolina, that the two United States senators coming here represented but 12,000 votes for Southern Dakota. Davis pointed out the fact that in certain counties lying south-east and southwest of the Potomac River a great party had been wiped out and moved away like a summer cottage. Senator Davis then proceeded to read the election returns from several southern districts, showing the number of votes which congressmen from southern districts represented. Among others he showed that the representative from the First Arkansas district had received 6,092 votes, with no opposition. In Georgia, in the First district the representative had received 1,704 to 17 against; in the Second district the representative had received 2,411 votes, no opposition; in the Third district the representative had received 1,704 votes, with no opposition; in the Fourth district there were 2,209 votes cast, against 830 in opposition; in the Fifth district, 2,909, with no opposition; in the Sixth district, 1,722, with no opposition; in the Eighth district, 2,287, against 55 scattering; in the Ninth district, 2,455, with no opposition. In the State of Louisiana Mr. Blanchard received 1,744, with no opposition. In the Second district the representative had received 3,740, with no opposition. In the Seventh district the representative had received 4,508, with 6 scattering. The same condition of things existed in South Carolina, where the representatives had been elected by 4,000 to 5,000 votes, without opposition. And yet the senator from South Carolina has seen fit to criticize the fact that but 12,000 votes had been cast for delegates to the constitutional convention which had formed this constitution.

Enough and more than enough has been thus adduced on these questions and it stands established:

First—That the Ordinance of 1787, extended as it was after the adoption of the Federal Constitution over regions not affected by its provisions, and also re-enacted as to the territory first affected by it, has been regarded as conferring upon the people of a territory the right to adopt a constitution and to apply for admission into the Union.

Second—That the stipulation of the treaty with France, Spain, and Great Britain, as conferring the same right, and that the treaty with Spain was so regarded in the case of Florida.

Third—That many states have formed their constitutions and have been admitted without enabling acts. And the objection that they then presented a general question to Washington, was directly contrary to the principle of the bill, and was entirely refuted by Madison, Macon, Benton, Clay, Buchanan, John Quincy Adams, and by many other statesmen less eminent.

Fourth—That the people of some of these states have thus proceeded, after repeated denials of their petitions for the passage of enabling acts.

Fifth—That in some instances the adoption of a constitution by popular vote has not been required, and that the question of boundaries has been adjusted as proposed by the present bill.

It follows from this that there never has been any consistent practice in admitting states. What other excuses remain for delaying and postponing this long delayed act of justice? This course of evasion, quibbling, pretext and denial has run so long that it has ceased to be a mere error. Never in the history of the Government has such a commonwealth knocked, and in vain, at the doors of the Union. Never has the equity of any people been so shamefully downtrodden. On account of grievances much the same, our ancestors rebelled. On account of grievances less than this, though much the same and committed by the same party, and for the same purpose, the injustice done Kansas shocked the popular conscience, and converged upon its perpetrators the condemnation of the world. On account of oppression much the same, for home government denied, for the imposition of rulers alien to the soil who govern as pro-consuls, we blame England, condole with Ireland, hold meetings, pass resolutions, and contribute money, with self-sufficient hypocrisy, while we are full of the same offense. I shall not, Mr. President, detail the history of this continuous and consistent injustice. It is known of all men.

Senator Coke, of Texas, had the floor in the morning, and spoke at length on the tariff question. Senator Turpie doubtless sympathized with the views expressed by the Texas senator in case he paid any attention, but he had equipped himself for the Dakota debate against Senator Davis, and betrayed some impatience in the long wait which was necessary for Senator Coke to fully express himself. Finally Senator Coke concluded, and Senator Turpie, of Indiana, took the floor, and then it was noticed that a score or two of senators, perhaps more, who had ensconced themselves in the cloak rooms during Mr. Coke's extended remarks, came out and filled up the vacant chairs to listen to the Indiana senator on Dakota. The galleries were also densely filled. Senator Turpie possessed a loud, strong voice. He used but few gestures and those of the simplest kind, giving emphasis to his remarks only by a downward sweep of the right hand. Senator Turpie said:

The reason for the delay in the admission of Dakota is because parties here and elsewhere had misdirected and wasted the energy of that people upon division. The objection to the admission of the territory under the Platt bill is not that proceedings were taken without previous congressional action. We may admit that the people of a territory have the right to petition that a separate portion of the territory be admitted, but the case here is where a portion of the people of a territory have petitioned Congress for the admission of that portion, and as far as historical precedent and example are concerned, the petition is utterly without right or authority. The undisputed fact that Tennessee, Michigan and Arkansas had been admitted upon a state constitution declared without previous congressional action, had been constantly repeated here. But what authority was that for the admission of this fragment of Dakota, this segment called South Dakota? Could the senators instance a case where the people of Tennessee, Arkansas and Michigan petitioned for the admission of a part of these territories as states? There was such a thing as Dakota, but South Dakota was a mere geographical description.

(Senators Platt and Spooner attempted to interrupt Senator Turpie at this point for the purpose of questioning his statement, but he declined to yield, and continuing, said:)

He would not admit that the people of an organized territory alone have the right to pass on the question of admission. The people of the whole Union, to whom the territory owes its birth, form and creation, have a right to be heard upon the policy and propriety of such admission and ultimately to consider and determine it. He then took up the assertion that division was the desire of the people of the territory, and said that as a matter of fact that had never been proposed at an election. He spoke advisedly. The enunciation of the Aberdeen convention was the undeniable expression of the people upon this subject. The senator from Minnesota (Davis) has declared it a unique, grotesque body, but he did not



think so. More than two-thirds of the states admitted into the Union had been admitted after just such proceedings. There was nothing singular or extraordinary about it. On the contrary, it was one of the most regular, formal expressions of the sentiments of the people of Dakota ever made. Upon both admission and division its utterance is clear and emphatic. The people of the whole territory are against division.

The statement that the poor people could not actively participate in the new state if admitted as a whole, was untrue. The distance from any part of the territory to the capital would not exceed two hundred and fifty miles. He could remember when the region of the Sangamon and other rivers of Egypt were farther from the Illinois capital. All modern states were large. That had become the fashion. If Dakota was large, the Union was larger. Pennsylvania and New York were larger proportionately to the size of the thirteen original states, than Dakota was to the present size of the Union. Minnesota was three times as large as South Carolina, but no one had ever proposed to divide it. Superficial area did not have such a great deal to do with a state's fortune, power, influence or character. Massachusetts might not be a large state, but it had given the Union Bunker Hill, Lexington and Concord, and a poet who sang of the lands of the Dakotans. The very words of Longfellow are prophetic of this division movement—"I behold our people severed, warring with each other." Harmony, peace and unity should be restored to this great people already so prosperous—maintaining, preserving and securing the territory integrity of Dakota. Should we now, because certain spirits of discord and dissension have disagreed with respect to its future form of guidance and management, whet the knife to cut this child in twain? That is no remedy for the evils that have fallen upon this people. Why doesn't the senator from Connecticut stand with the senator from South Carolina as sponsors for Dakota undiminished and her borders unmarred?

Senator Cullom took the floor while the democratic senators were congratulating Senator Turpie. Senator Davis, who had occupied a seat on the democratic side, stepped forward and was the third man to warmly congratulate the senator from Indiana.

Senator Cullom's speech was a reiteration of the arguments already given in favor of the bill, but was delivered in a ringing voice and positive manner that held the attention of senators. After reciting Dakota's claim to statehood, he entered into a comparison of her growth and resources with those of many states of the Union.

He made a strong argument in reply to Senator Butler's statement that the two senators to be placed upon the floor of the Senate would represent but 12,000 votes, those cast for delegates to the constitutional convention. He said the senator from South Carolina himself must know that a simple vote of that kind would attract but very few people, and that unless some exciting contest were on, voters would not turn out. He then compared the vote with that of southern states in contests for congressmen. Continuing, he read from the Washington Post an editorial showing that the opposition of the democratic party in Congress to the admission of Dakota was purely a matter of expediency to keep from changing the presidential electoral vote until after the next presidential election. He warned the democrats that the fight of the last electoral college would be changed, however, and with the votes of the honest states now in the Union.

"The senator, as a presidential candidate, would not be willing to renounce those votes if they were at hand, nor, I think, would the candidate from Vermont," said Senator Butler.

"I should be mighty glad to have them," replied Senator Cullom.

"I shall have nothing to say on that subject myself," replied Senator Edmunds, while a blush suffused his face.

Senator Cullom concluded with a strong protest against the democratic treatment of Dakota.

Senator Spooner, of Wisconsin, obtained the floor to speak in favor of the Platt bill, but the Senate proceeded to executive business, and then adjourned until Monday.

It was now quite evident that the division and admission of Dakota and the presidential election had become so connected that Dakota's affairs were to be treated from a national party or political standpoint. It had become a party question and could not be considered on its merits. Dakota had opened the door

to a discussion of the subject, and the House and Senate both refused to consider instances of party prejudice, except to be brought upon the floor for the consideration of the House, and then that act to carry President Lincoln.

Senator Vest, of Missouri, who had been an anti-admissionist and divisionist from the earliest times of Democratic efforts to get over the Union, because of the opposing speakers at this time. He had opposed Dakota back in 1882, and had not changed his opinions. He did not bring out any new features. Senator Edmunds, of Vermont, interrupted frequently and there was a running fire of questioning and answers between the two that interested the Senate but added nothing to the sum total of argument for or against Dakota. Whatever might happen, it was not generally expected that Dakota would be admitted at this session, the House being democratic and opposed to any more states before the national election.

Senator Vest made his best points when he called attention to the objection of Senator Hale, of Maine, to the admission of the territory in 1882, on account of the Yankton bond affair, as he read extracts from Senator Hale's speech at that time to show how the republican party had fought for two years and obstructed the admission of the territory. He said that after the objection of the senator from Maine, the bonds were paid in full by Yankton. He objected to this method of making the United States Senate a collecting agency. He read a statement to show that the percentage of the votes cast south was fully as great as in the north, making the people's mistake of taking the population from the census of 1880, and the number of voters from the election returns of 1884. Senator Edmunds called the speaker to account upon the statement that Dakota had intended any defiance to Congress in adopting her state constitution and memorializing that body for admission. Senator Edmunds said the people of Dakota had not by word nor deed asserted that they were a state without the sanction of Congress.

At the close of Mr. Vest's speech there appeared no disposition to debate the bill further, and the presiding officer put the question on the amendment by Butler, which was the Springer bill. It happened that there were but few republicans in the Senate chamber, and on a division the democrats carried it, Voorhees voting with them. Before the vote was announced, however, Senator Dolph called for the yeas and nays, and Edmunds again said he would like to speak on the bill. Senators Coke and Platt said that they would like to speak on the bill, so the vote on the amendment was declared off, and it was agreed that the bill should come to a vote on the 19th.

Senator Sherman, of Ohio, spoke on the 18th. Opening his speech, he said:

Why should not South Dakota be admitted to the Union at this time? Because the democratic party have prevented it. The people of Dakota were suffering all the while. The people of Dakota were kept out, notwithstanding all these complaints, until some other democratic state, less entitled, should be attached to it, and hauled in at its skirts. Messrs. Davis, Platt and Spooner might expend their learning and eloquence and reasoning, but what they said would fall as impassive and unimpressive on the democratic party as if they spoke to the icy winds of the North Pole. There was no use therefore in wasting argument about it.

Mr. Sherman and Mr. Vest then became involved in a question over the election of President Hayes and the Louisiana returning board, and when that colloquy was ended, Senator Allison, of Iowa, took the floor and talked fifteen minutes on the Dakota question. He said:

Dakota territory has been extended far beyond the Missouri River, and northward into a portion of Minnesota. Congress had adopted an enabling act fixing her boundaries. It was intended to restrict her northern boundaries to a certain extent, and to cut her off so that she should not have the Missouri River upon the western boundary. The people of Iowa rejected this enabling act, and now she is a territory. It is a mistake to think that the people of

adopted a state constitution, elected state officers, and came here demanding admission, and she was admitted, which is exactly what Dakota has done today. No objection was made to Iowa at that time and he could see nothing but party policy in the objections being made against Dakota. At the time Iowa was admitted, Florida, a slave state, was also admitted, although she had not enough population to entitle her to a member of Congress. The senator from Missouri has said this was a political question. It certainly was a political, a party question, and the democratic party had made it so. They had drawn their lines closely upon it and their policy was one of inaction. They were not in favor of the admission of Dakota.

Mr. Vest here interrupted Mr. Allison to say that he would be willing to guarantee from his own personal knowledge of the opinions of the senators on his side that not one of them would refuse to vote for the admission of Dakota.

Mr. Allison replied:

We could not judge parties by any individual utterances or any individual action, but they must be judged by the action of the party as a whole in both houses of Congress. He was satisfied that there was no disposition to admit Dakota. The Omnibus Bill, which had been reported in the other House for the admission of Washington, Montana, New Mexico and Dakota, was a piece of political legerdemain. The democratic party had for four years past sat down upon Dakota. They will juggle along with this question until after the election of 1888, and then if political expediency demands it they will carry it along for another eight years. They promised in 1884 that if Dakota was kept out of the Union until after the next presidential election, so that she could not interfere with the electoral votes as they then stood, that she should receive immediate attention. They have failed to give her any relief. He would hesitate for a long time to vote for the admission of Dakota as one state. Large states were not needed. He did not believe that a great agricultural country, which Dakota was and must ever remain, should be admitted as one state.

Senator Manderson drew his attention to the fact that it had usually been the practice in the West to cut agricultural regions in small tracts, and that states the size of Kansas, Nebraska, Iowa and Minnesota had been considered large enough for a great state.

Mr. Allison continued:

The agricultural interest in this country is its greatest interest, and the Territory of Dakota is the garden of the agricultural interest. He drew attention to the enormous wheat product of the country, and said that with this country we could make it impossible for India to compete with us in the wheat markets of the world. He inquired if we should, for mere party advantage, stifle the growing agricultural section and block the march of progress of the great and growing agricultural and commercial interests in the Northwest. He stood ready to vote for South Dakota today, and the admission of North Dakota tomorrow.

Senator Butler then took the floor to reply to some of the insinuations that had been made against the South. From this the Senate branched off into a political discussion that had nothing to do with Dakota. Senator Call made a constitutional speech. Then Sherman and Vest locked horns over Hayes' election, and Senator Hoar explained something about the Louisiana returning board. Senator Platt then made the closing speech of the debate, and said:

I had hoped to keep politics out of the debate on the Dakota bill. Inasmuch as it has crept in, however, and southern senators were complaining of carpet-bag government, he would ask them to join hands with him and help to relieve Dakota of a carpet-bag government far more obnoxious than any from which the South has suffered. Southern senators had pleaded for a "white man's government." Let them give Dakota a white man's government.

He lashed the democratic party for contending in the Senate that it would vote for a Dakota bill, while the majority in the House, which shaped the policy of the democratic party, showed conclusively that it was opposed to admitting Dakota. The edict had gone forth that so long as Dakota should fail to elect a democratic Legislature, and thus insure two democratic senators, she must stay out of the Union. But this year we should appeal to the people, and we would



assure Dakota that she would not be long to come to justice. But could he respect to the Aberdeen convention. He called himself a supporter of a pure patriot, a non-partisan believer in Dakota's welfare, and showed exactly the motives which actuated the one-state party. He said one might as well call Edstaff and his ragged followers a party, as to call without aid the Aberdeen assembly a convention. He read a great many affidavits to show the shallow foundation upon which this convention was based. The absurdity of the whole scheme was shown so thoroughly that Edmunds and other senators laughed heartily.

Senator Butler interrupted to inquire, with satire in his voice:

"Did this convention occur in the State of Aberdeen?"  
 "Yes," replied Edmunds, "and the same old demands are now presented."  
 "It was not an election," said Platt, "and a really good one."

Platt closed with another statement of the hopeless nature of the case so long as it was in the hands of the democratic party, and made a strong appeal that Dakota be given justice.

A vote was then taken on Butler's substitute (the Springer bill). It was voted down by a purely party vote, 23 yeas to 26 nays.

The Senate bill (Platt's) was then passed by a vote of 26 for, to 23 against, a purely party vote, also.

Judge A. J. Edgerton addressed the following open letter to Sen. M. C. Butler, of South Carolina, in answer to the latter's attack upon him during the Dakota debate in the Senate:

Minneapolis, Dakota Territory, April 1, 1890.

TO HON. M. C. BUTLER, United States Senate.

SIR: This week the United States Senate has been occupied with a question which the rights of great commonwealths are concerned—a question in which the honor of government is involved, by arraigning before that body the character and motives of a private citizen whose only offense is that he believes in the Constitution as interpreted by the fathers of the republic. One would imagine that a senator from South Carolina, actuated by the traditional aristocratic notions which pervade the people of that state, would ignore the criticisms of one of the mud-sills of society.

Possibly it would be wiser for me to take no notice of your mendacious assault, and I should not, but the character of the tribunal before which it was made and the flimsy excuse you now offer for diverting justice to Dakota, renders an answer imperative.

You must remember the different circumstances which surrounded us. I was, at the time you complain of, addressing citizens of South Dakota upon a question of great interest to them. They believed they had been deeply wronged and were indignant. I had counseled all the time patience, and was charged with extreme conservatism. Under such circumstances I should be pardoned for using language that a United States senator, before that august body, in a carefully prepared speech to go to the world and to be preserved among the archives of the nation, could not be excused for. Under such circumstances, for you not to be disinterested was a crime, and for me not to be disinterested was treason. Your first charge is that because you were personally courteous to me a year ago, in your attack on Dakota, therefore I was guilty of hypocrisy in criticizing your attitude before the people towards the people.

But few men in this great commonwealth, Mr. Butler, can be seduced from their loyalty to right by weak compliments and diluted taffy. You are offended because I alluded to you in common with many good and wise public men. I said then and there that you were honest, brave and chivalric, with a proud and historic name. For this I am arraigned by you.

I am always willing to rectify an error so far as I can. I admit that I was mistaken—that you are not such man, and after the exhibition you have made this week, I promise you I will never again be guilty of such an offense. You take offense to my expression that "Some men have forgotten nothing and learned nothing by the war." If any evidence was wanting of the truth of this assertion, it is conclusively furnished by your unmanly tirade. Every sentence of that portion of your speech smacks of the plantation. The crack of the overseer's whip is heard as of old. Many senators upon your side of the Senate chamber, although differing from us widely on this question, we esteem and honor. Their votes are controlled by a mistaken idea, but we believe them, nevertheless, to be honest. We people emulate that great empire. In alluding to this suggestion, I said, "Texas and Dakota with the same result."

land and the middle states, from small or medium sized commonwealths, and the reverse was the case with the first settlers of Texas, and that consequently their ideas of government and empire were different." This was the sum and substance of my offending.

The man who denies these propositions, Mr. Butler, is sadly and stupidly ignorant of American history. I had been taught that no man who held a public office could claim an exemption from a fair and just criticism. This has been the doctrine in this latitude. You had not only attempted to deny justice to this people in the halls of Congress, but also to dictate to us outside of Congress what course would best conduce to our interest and welfare. And because I had advised our people to reject these counsels, I am made the subject of your venomous assault. I have no right to complain. You have more bitterly assaulted the character of the best men of America, both among the living and the dead.

Let us see by what right you arrogate to yourself such powers. Outside of South Carolina the people know but little about you. Your first claim to notice is that you are a kinsman of Preston S. Brooks, who exhibited on the floor of the United States Senate, nearly thirty years ago, in attacking Senator Sumner for criticising your uncle, the same magnificent courage that inspired you. Your next claim, and the one which secured you a seat in the Senate, is that brilliant and chivalrous attack of yours upon a band of unarmed colored men at Hamburg, who in your state dared to meet as American citizens and discuss the political issues of the day.

Is it a wonder, General Butler, that the people of Dakota should be dismayed in the presence of such a foe-man?

You again criticise my assertion that the people of this territory brought with them from their eastern homes the Bible and the spelling book. But let me assure you, notwithstanding your sneers at the teaching of the Bible, were it not for the fact that the Union men of the North were actuated by that charity which is found inculcated in that book, you, today, would be serving the Government in a different sphere than the United States Senate.

I am only a private citizen in this great republic, for the establishment of which my forefathers fought, and for the maintenance of which their descendants contended against you and your followers. I hold no office, and want none. But if I did ask the suffrages of the intelligent and loyal people of the North, you could do me no greater favor than such exhibitions of your opposition as you have evinced this week. I close this letter, General Butler, by using an illustration drawn from your own chaste and classic rhetoric: "I pray God I may never merit the commendation of men whose lives have been characterized by such acts and principles as yours."

A. J. EDGERTON.

Commenting on the foregoing letter of Judge Edgerton to Senator Butler, the Grand Forks Herald took occasion to say:

The advocates of division and two states have presented an unbroken and unimpeachable line of precedents to warrant their proposed admission of North and South Dakota. Their case was very materially strengthened by the remarks of Senator Butler in opposition to the Platt bill. It is altogether too late in the discussion for Butler or any other man to resort to lying to defeat the admission of Dakota. The question has long since become a national one, and Butler is simply so much of a Bourbon that he doesn't know that other people discern his stupid and blind prejudice. He is doing good work for division and admission, besides furnishing excellent campaign material for the republicans. Weak, indeed, is the case against Dakota, when its enemies stoop to vilify such a man as Judge A. J. Edgerton. Senator Butler asks, if South Dakota is admitted with her constitution as it is, what is to prevent 100,000 socialists, nihilists and communists taking refuge in some corner of a territory and proceeding to frame a constitution and state government, and demanding to be admitted as a state?

How do you like that, citizens of Dakota? The hero of the Edgefield massacre is evidently out of ammunition and he descends to the vilest vituperation of the worthiest people in the Union, for want of anything to say in answer to the showing made by the Senate Territorial Committee.

Senator Spooner, in the course of an able speech supporting Dakota's claims for statehood, said:

But aside from the general interest which invests this subject, involving as it does important considerations, present and pertinent to the Union, and involving also justice or gross injustice to the people of South Dakota, I have peculiar reasons for an intense interest in the fortunes of the people.

It is a little less than twenty-three years since I marched as a soldier over several hundred miles of that territory, and remained many months in the service within its boundaries. At that day, north of Yankton, no herds grazed upon its plains except herds of buffalo and antelope, and one traveling hundreds of miles saw no human habitation save the rude forts of the Government and the lodges and villages of the Sioux Indians.

This contest for the admission of Dakota and the other territories, assumed national importance in ways not directly affecting the territories interested in admission, but bringing forward into the arena of politics vitally important national subjects, affecting the growth of the membership of Congress, and with this it was discovered that the membership of the Senate would almost reach its maximum with the admission of the territories now in line for statehood, the only territorial government left being Utah. At the most, in accordance with authentic estimate, the Senate could not in the aggregate have more than a hundred members, while the House would be added to after every decennial census. It was felt that this situation presaged an overweening influence for the Senate unless some means could be found of keeping the balance more evenly between the Senate and House. It was claimed at this time that the United States Senate was the most powerful legislative body in the world. Its membership was then seventy-six, and were all of the eight territories then existing admitted to the Union, there would still be less than a hundred senators. Oklahoma was still out, and the division of Dakota would make the number stated, and there would be no more until Alaska furnished them. In the meantime the House membership will continue to grow. After the census of 1880 the number of representatives was increased from 293 to 325. Another apportionment would be made after the census of 1890, and with the admission of the states then knocking at the door of the Union, the membership of the House, it was estimated, would be increased to 350. Senator Platt, though a New England senator, was impressed with this idea and influenced by it in his prejudice in favor of more states that there might be a corresponding increase in the Senate, and Congressman Ben Tillman, who has gained some fame and much notoriety for his radical utterances, was the first of the southern democrats to lift up his voice in favor of a larger Senate. In an interview at this time he declared his position to be this:

There are more than one million people in our United States, and the House of Representatives is composed of but 325 members, while the Senate, which corresponds in a sense to the House of Lords, has but 77. We ought to have at least 600 representatives, and no less than 300 senators. Our National Legislature is not keeping pace with our growing population. Our representation in Congress is little more than it was when our population was little more than half its present dimensions. It is no wonder we hear so much about corporate influence in the Senate. Where only two members are elected from each state it is easy for the great corporations to elect whomsoever they choose. Given a greater representation in the Senate, increase the present proportions four times, and the result can but be helpful to the interests of the people. I see, however, no way by which this can be done, and for that reason I shall favor, whenever it is practicable, the admission of all the new states possible. In my judgment Dakota ought to be divided into four equal parts, and each admitted as a state. I know this is contrary to the wishes of my party, which favors Dakota's admission as a whole, but in this case I shall put principle above party and vote for what I believe to be the best interests of the people.

A table showing the amounts, in dollars, expended for education the past fiscal year in Dakota and in fifteen southern states, all of which opposed Dakota's admission as a state:

	South Carolina	Florida	Alabama
Dakota	400,000	100,000	100,000
Louisiana	400,000	100,000	100,000
Virginia	400,000	100,000	100,000
Delaware	400,000	100,000	100,000
West Virginia	400,000	100,000	100,000
South Carolina	400,000	100,000	100,000
Georgia	400,000	100,000	100,000
Tennessee	400,000	100,000	100,000

Vermont, when admitted into the Union, had a population of 87,000; Kentucky, 61,247; Tennessee, 600,000; Ohio, 7,000; Louisiana, 200,000; Indiana, 63,000; Alabama, 45,000; Illinois, 84,000; Missouri, 200,000; Arkansas, 200,000; Michigan, 71,000; Florida, 31,000; Texas, 200,000; Iowa, 200,000; Wisconsin,



123,000; California, 92,307; Minnesota, 87,000; Oregon, 52,000; Kansas, 107,000; Nevada, 40,000; Colorado, 97,000. It was understood, though, there was no law governing the matter, that a territory to be entitled to admission as a state, should have sufficient population to entitle it to one member of Congress according to the last apportionment made under the federal census. This rule, however, had been ignored in a number of instances, but Dakota did not ask any indulgence on this account. The apportionment of congressmen made on the census returns of 1880 had been fixed at one member for each 134,000 of population or the major fraction of that number, and according to Superintendent Beadle's census of 1882, the southern half of Dakota below the 40th parallel had 125,000, and had gained at least forty thousand during 1882 and the first half of 1883.

#### THE BEST POINT MADE BY EDMUNDS

During this general debate in the Senate over the bill admitting Dakota to the Union, the question of the powers of Congress was said to have been more ably discussed than at any previous debate in the history of Congress on this subject. It was pretty generally settled that the constitution designed to leave the methods of preparing for admission to the Union to the people of the territories, and that the people interested would see to it that all the preparatory steps should be orderly, dignified and lawful. Subsequent legislation by Congress had fixed the minimum of population in the territory at 60,000 and the constitution they framed and presented must be republican in form. The reader has seen what methods precedents had established, and in what respects they varied, but they had been acquiesced in by Congress in the admission of the states, which in each case ended the matter. But there was one point, and an important one, that had played no part in the long and exhaustive discussions, until this Dakota case brought it out, and that was the duty of the citizens of a territory possessing the requisite qualifications for statehood. This was set forth by Senator Edmunds, of Vermont, when he said: "It is not only the duty of Congress to admit new states, but it is the duty of the people of the territories, when possessing the requisite conditions, to form a constitution, and fix a seat of government, and apply for admission." Judge Edmunds was regarded in that day as one of the ablest interpreters of the constitution of our country, as well as one of the wisest of our statesmen.

## CHAPTER XLII

### PRESIDENTIAL ELECTION OF 1888

SENATOR HARRISON OF THE UNITED STATES FROM INDIANA, AND LEADER OF THE FORCES IN CONGRESS WHO WERE WORKING FOR THE ADMISSION OF SOUTH DAKOTA, MAY, 1888—THE NATIONAL CONVENTION OF THE REPUBLICAN PARTY HELD AT CINCINNATI, SEPTEMBER, 1887—A TWO-STATE CONVENTION IN DAKOTA, MAY, 1888—THE NATIONAL CONVENTION OF THE DEMOCRATIC PARTY HELD AT CHICAGO, SEPTEMBER, 1888—HARRISON AND MCKINLEY INTERVIEW—IN CONGRESS AFTER ELECTION—MR. SPRINGER'S FIRST CONGRESS—SOUTH DAKOTA ADMITS STATEHOOD BEFORE THE HOUSE.

Hon. Benjamin Harrison, United States senator from Indiana, and leader of the forces in Congress who were working for the admission of South Dakota to the Union, stated in November, 1887, just before the assembling of Congress, as follows:

I think there is no prospect for the admission of any of the territories before the presidential election of 1888. Montana has, I think, a population sufficient to warrant her admission, and there can be no doubt of the right of the people of Washington Territory to admission. But the democrats in the House are determined to control the Government at any cost, and they will not consent to the admission of any new territory which might by any probability cast its electoral vote for the republican ticket. It is another indication of the methods employed by the party now in power to maintain control of the Government. By the suppression of the colored vote in the South and the Gorman methods in Maryland, they are enabled to keep things in their own hands, and it is probable that they will continue to do so as long as they can.

Previous to the election in 1884 I prepared a bill for the admission of Dakota with a proviso that a constitutional convention should not be held until after the presidential election of that year. I hoped that this provision would serve to set at rest the opposition that might be raised to immediate admission, but the hope was in vain. The democrats would not consent to the admission on any terms, and I do not think the prospects are much better now. It is of course possible that there may be some change for the better in the outlook before the close of the Fiftieth Congress.

The only change that was likely to occur was the election of a republican President in 1888.

Hon. George Hearst, the principal owner of the Homestake gold mine in the Black Hills, was a senator of the United States from California in 1888, and a democrat. He was said to be working so hard at securing Dakota territory and making two states, but partly really held him to a passive support of the dissection program.

#### CONSTITUTIONAL CONVENTION

Hon. G. S. Clifford appeared before the Committee on Territories of the House of Representatives early in February, 1888, and made a statement in support of the two measures he had introduced to provide for the admission into the Union of North Dakota and South Dakota. His statement exhibits the condition of the territory when near the end of its territorial career, and its many relief features.

is entitled to a place in the historical records of Dakota. The statement on all matters of fact is entitled to the fullest credit, and is hereto appended:

The proposition I have to present to the Committee on Territories contemplates the formation and admission of two states from the present Territory of Dakota, to be named respectively North and South Dakota, the dividing line to be east and west upon the 7th standard parallel of said territory, and will make the states nearly equal in size. The proposed states would contain very nearly seventy-five thousand square miles each, and each state would be exceeded in area by only seven states, namely: California, Colorado, Kansas, Minnesota, Nevada, Oregon and Texas. Each state would exceed in size all of New England, with New Jersey added. I think, without doubt, all unbiased and informed minds upon this subject will agree that the treatment Dakota has received from the hands of Congress, regarding this matter of statehood, is without parallel in our history in its neglect and injustice, and it is sincerely hoped will not be repeated toward any other territory.

I desire now to give the committee some facts, all of which are well authenticated, regarding this question, upon which our claims for self-government are based.

First, as to population, wealth and material prosperity. The area of each of the proposed states has been given, and I will only add that the country is eminently an agricultural country, and as capable of supporting a dense population as any of the states adjoining us—Minnesota, Wisconsin, Illinois, Iowa or Nebraska. The number of farms in Dakota in 1885 was 50,237 in the south half, and 31,781 in the north, of the average size. The crop reports of 1887 show that we raised 60,000,000 bushels of wheat and 25,000,000 bushels of corn, while hundreds of thousands of horses and cattle graze on our boundless and fertile prairies. In the matter of live stock we have more cattle than any one of 21 states, more horses than any one of 20 states, more swine than any one of 14 states, more sheep than any one of 12 states. In the matter of banking institutions we have 62 national and 237 private banks. We have more banks than either one of 28 states, including Indiana, Connecticut, California, Kentucky, Minnesota, Wisconsin, Texas or Colorado. We have more than the 8 states of North Carolina, West Virginia, Florida, Mississippi, Louisiana, Arkansas, Delaware and Nevada, combined. And more than twice the number credited to Maine, New Jersey, New Hampshire or Maryland; nearly three times as many as Georgia, Virginia, Colorado or Tennessee, combined, and more than the states of Vermont, Oregon and all the territories put together. In the matter of railways, we have nearly 4,500 miles of completed railroad in Dakota, and more than is contained in any one of 25 states of the Union that could be named.

We have nearly 4,000 schoolhouses, with about 5,000 teachers, and expended in 1887 nearly \$1,750,000 for school purposes, the proceeds of taxes raised by the people, or more than was expended by any one of 22 states in 1885.

We have two territorial universities, three normal schools (territorial), an agricultural college, besides a school of mines, and one for deaf mutes, and also a very large number of sectarian colleges and academies belonging to different religious denominations.

It must be remembered that the proposed State of North Dakota contains at least 240,000 people, and South Dakota 360,000, and that each of the proposed states contains a like proportion of the material wealth and educational advantages possessed by the whole territory.

Dakota today is a territory only in name. In every condition and as a fact it is a mere colony or province, as completely as was ever attached to the British Empire, a condition of affairs never intended or contemplated by the founders of this Government, and is most repugnant to the spirit of our institutions. The government which is provided for the territories of the United States is almost identical with that which was extended by England over her colonies a century and a half ago, and against which the fathers of this republic so successfully rebelled. It may be stated as a broad proposition, regarding the admission of new states, when the proposed territory and its people come within the requirements imposed by the Constitution, spirit and policy of our Government, it is entitled as a matter of right to admission into the Union of States. Especially is this true in the case of Dakota, which claims that right by virtue of solemn treaty obligations and by the terms of the Ordinance of 1787, which, by repeated enactments of Congress, have been extended to include our territory. Whatever views may be entertained by the committee regarding a strict construction of the treaty of Louisiana and the Ordinance of 1787, it certainly will strike the average mind that Congress is under an "imperious moral obligation" to admit both North and South Dakota as states into the Union, if the conditions as to area, production, capacity, population, good disposition towards the Government and institutions of the country are found to exist.

What excuse, then, is there for denying Dakota admission into the Union as a state? What impediment stands in the way? Why is not immediate and prompt action taken? Why the hope long deferred? Why this unreasonable delay? Is it strange, in view of all these facts, that our people have become impatient over this long delay and with the injustice and neglect they have received?

Regarding the proposition of the division of the territory and admission of two states from Dakota, I desire to say concerning the bill for admission of North Dakota that the



people there for a long time, and they have asked for admission to the Union, and they will have it if they can only get it. They are now in a territorial condition, have also grown impatient with this unsatisfactory and miserable territorial form of government, and are now demanding admission, and in the name of justice, humanity and freedom and in accordance with the spirit and policy of our Government they are entitled to it. It has ever been a cherished object with a majority of the people of Dakota that a division thereof should ultimately be secured, and this without doubt is their desire today. Various resolutions have been passed by the Territorial Legislature praying for division, and in the matter of the location of public institutions the ultimate division of Dakota has been kept in view. The political division of Dakota into north and south is as distinctive as possible. These terms are used with us as common, and are as necessary as the terms of North and South Carolina are used in their respective states. Our people desire division because they believe that a better and more economical government can be secured in a state of medium size than can possibly be realized in so large, unwieldy and populous a state as Dakota would be if admitted as one state.

The best possible data that can be secured regarding state expenses shows that small and medium states can be more economically managed per capita than large ones. This has not been a matter with us of the mere isolation of the people of the two sections of the territory from each other. The foundation of our whole political structure has been laid with a view of division, because we realized the fact that it is more for coming generations than for ourselves that states are built, and I verily believe, whatever may be the fate of our division movement in Dakota, posterity will insist, as the result of sad experience, and when too late to be remedied, that sound government in a state of moderate size is far better than glory and lavish expenditure in a state of great area.

In regard to the Aberdeen convention recently held, it is entitled to the consideration which might be given to the opinions of a like number of people who may assemble anywhere at any time from neighboring towns, with a few from distant parts of the territory, and to no more consideration. The original call for the convention was an anonymous call, not signed by anybody, or perhaps by one person who purported to act as secretary of something. I will say in regard to this convention, no doubt it was composed of respectable people, and no doubt the opinions of those respectable people are entitled to weight, but I ask this committee in all seriousness if it is not strange, judging from these proceedings, looking at them carefully, that the 995 delegates provided for in that call dwindled down to, I think, 270 who personally attended that convention, and the number of delegates who were selected to present this memorial to the house has dwindled down to one.

I have here a telegram from a very strong divisionist in the territory. I have no authority to divulge his name, but he telegraphs: "The call was for 995 delegates; actually present, 270. Three hundred and thirty proxies were voted, 305 failed to turn up either by actual delegates or proxies." I may say further in regard to this matter as to the attendance these delegates were generally selected by mass meeting county conventions. Well, now I have received information from all over the territory—I will not lumber up the records of the committee by presenting them—that the number of citizens who actually attended these county conventions would not aggregate a greater number than is included in the number of delegates provided for in the call of the convention. Counting every man, woman and child who attended the county conventions in the territory would not exceed that of the delegates to be selected.

I wish to say further in regard to the desires of that people for division that each political party, up to the last democratic convention held in the territory in 1886, placed itself squarely on record in favor of division as far as there was any expression at all. In 1884 the democratic convention which assembled at Sioux Falls stated "that we favor the division of the territory on the 7th standard parallel." This was in the platform of the democratic party of the territory in 1884. At the last democratic convention that was held a very strong appeal was made that this proposition of division might be submitted to a vote of the people of the territory. I might add, *sub rosa*, perhaps, that the nominee of that convention was an intense divisionist, and it was so understood at the time he was nominated.

Now, in regard to the vote of last fall, it can all be explained in a few words—why there was such a small vote cast, and small majority given. Here is a clipping from an anti-division newspaper, which was published January 13, 1888, which says: "The truth is, there are many who want statehood the quickest way possible—more anxious for statehood than for division. Undoubtedly the majority of the people of the territory desire division, but only a minority favor division or nothing. Let us have statehood in some

That expresses in a nutshell the true condition of affairs in North Dakota. These people in North Dakota who cast a majority vote against the proposition for division understood that they could not possibly secure admission except they took admission as a whole. They had understood that, in many cases, for some time, but if they understood today they could secure admission speedily with division, they would hail it with delight and by a vast majority. They understood well the opposition and impediments in trying to secure admission as a state, and those people in North Dakota had become so disgusted

and tired with a territorial form of government that they voted against division because they thought this was the only way into the Union speedily.

It is proper also for me to say a word in reference to the bill introduced by Mr. Springer, the chairman of the committee. In the present condition of this question I not only place it upon the ground that the bill does not provide for the division of the territory, but because I think it contains unusual and unjust provisions never before incorporated in an enabling act, and also because it contains no provision whatever for the admission of Dakota, even if we were to comply with the provisions of the act. Regarding its details, our people want no minority representation. They have once at least voted the proposition down by a popular vote. They do not want, under any circumstances, to have the convention which frames the organic law of the future state to interfere and intermeddle with county seats and county lines. They at least want the privilege also of making their own congressional districts in the first instance. And if the admission as a whole is forced upon us we ought in justice to be admitted upon proclamation of the President, after we have complied with the conditions of the enabling act, as all states have been admitted in later times.

Why should Dakota be compelled to await another act of Congress before being received into the union of states and run the gauntlet, perhaps, of partisan and political objection?

Whatever the fate of this division movement may be, we believe that it is for the best interests of this people that it be divided; we believe that they will secure a better and more economical government by being divided into two states. I do not say they are so different and inimical in interest to each other, but I do say they are isolated. I do say that the difficulties of people meeting and views being interchanged between different portions of this vast country are detrimental to the true interests of the people irrespective of parties. We are making a state for all future time—not for ourselves, but for posterity. It is not a question of parties, it is a question that affects the future really more than the present. We are legislating for those who are to come after us—we are looking to the future for hundreds, and, we trust, thousands of years.

#### A YEAR OF CONVENTIONS

The passage of the Platt bill by the Senate, and the Springer omnibus bill by the House, the former giving South Dakota statehood, and the latter being an enabling act of a questionable character for Dakota as one state, and the same bill covering Montana, New Mexico and Washington, was the sum total of congressional action, affecting those questions, during the session of Congress of 1887-88. Congress acted in April, and this action was looked upon in Dakota as equivalent to an official notice that the territory could expect nothing further from that source during the session.

Because of the presidential election, which was pending, it was deemed judicious that Dakota should keep her division and statehood questions before the people of the United States for the influence they might have upon the national canvass, and more than all for their effect upon the voters of the congressional districts who were asked to elect representatives who would favor two states in Dakota. In pursuance of this plan a statehood and division convention for the entire territory was called to meet at Huron on the 10th of July, 1888, to take such steps as wisdom should dictate in furtherance of these purposes.

And supplementary to this general call, the farmers and business men united in a call for a convention of their crafts. The editors also called a convention. The attorneys joined in making a call. And the clergy issued an invitation for an assembly of their profession. All these bodies were to assemble at Huron during the session of the general convention, and all citizens of the territory were invited to attend.

The proceedings in Congress connected with Dakota's statehood and division, and the course of political events in the territory, had apparently served to increase and strengthen both the division and statehood sentiment. It was felt that Congressman Springer's policy had been definitely agreed upon by the democratic party in Congress, and was intended as a subterfuge. The design was not to change the status of Dakota but as the Dakota question could not be kept out of sight, and to show the people of the country that the democratic party was not unmindful of the territory's welfare, Springer presented a measure that he knew would fail of adoption. It was in effect the same policy that Governor

Only way adopted during the term of government, and thus favored the one course which it was well known the people would not endorse. And it afforded its promoters a pretext for asserting that they favored Dakota's admission and admission.

It seemed that the national leaders of the democratic party had concluded that the safest plan to adopt, one that would least jeopardize democratic success in the nation, was to keep Dakota out of the Union. This was charged in the memorable debate preceding the passage of the Platt bill.

Therefore the result of the pending national election was looked forward to by Dakotans with unusual interest, and the election of a republican House of Representatives enlisted even a greater interest than the presidency, it having been observed that for three successive sessions of Congress, the democrats in control of the House had refused to answer the lawful and reasonable requests of Dakota, and it was also understood that there was no way by which Dakota could be extricated from its dependent condition except through favorable action by Congress.

### CHANGES IN THE HOUSE

It was apparent early in the session beginning in December, 1887, that the preliminary work of state making was to be the chief employment of the members during the session. Heretofore Dakota had been the only territory currently demanding admission, and no other bills were early introduced providing for statehood either as a whole or divided. To Dakota was now added Wyoming, and there was another bill presented for the admission of Montana, and also for Washington. Not so much was said about New Mexico, there being objection by members of both parties to admitting that territory, owing to the illiterate character of a large proportion of her population, but Mr. Springer was urging it and Gov. Edmund G. Ross, who had been opposed to statehood, was now in Washington, and declared that he had recently changed his opinion. All this was brewing even before Mr. Springer had got his first omnibus bill in satisfactory shape—the measure providing for the admission of Dakota as one state.

Concerning the situation at the national capital, ex-Delegate Pettigrew, who was there working for the Dakota measures including the Sioux reservation bill, said:

Springer is determined to defeat Dakota's admission at any cost, and has secured a whole lot of help. There is little chance that the measure will pass the House as a whole would have passed the Senate, as five republican senators were found to favor it. And when Springer discovered this, he was determined to counteract the effect. He did so, by introducing a bill for the admission of Montana, and by the same time introduced a bill for the admission of Wyoming. This would be admitted by the Senate, and the House would be forced to admit it.

About this time, March 20th, Governor Church, who was leading the one-state forces in Dakota, issued an arbor day proclamation, and brought upon himself much good natured criticism because he designated two arbor days, one for South Dakota on April 25th, and one for North Dakota on May 5th. It was said that a territory that needed two arbor days, and two of everything else, was badly in need of two governors.

The Pratt bill for the admission of Dakota as a state had passed the Senate in the spring, and had been since pending in the House. It was quite satisfactory to the people of Dakota. It provided for division, and recognized the Sioux Falls constitution of 1885, but because it changed the name of the state from "Dakota" as it was in the Sioux Falls constitution, and also changed the boundaries by making the dividing line the forty-sixth parallel of latitude, it would require another vote of the people to ratify these changes, hence the Senate bill provided for an election for that purpose to be held August 28, 1888.



## EVERYBODY'S TWO-STATE CONVENTION

The division question assumed a new and serious phase in 1888, growing out of the anti-division convention held at Aberdeen, the active and untiring anti-division work of Governor Church, the zealous interference of Congressman Springer as shown by his letter presented to the Aberdeen convention, and the remarkable debate in the Senate of the United States on the Platt admission and division bill.

As the matter was viewed within the territory, there was serious apprehension that the Church democratic plan would be greatly strengthened should Mr. Cleveland be reelected President and a democratic House of Representatives chosen, as would probably be the case, as the successful President usually carried the House with him. This result meant either a virtual acceptance of the democratic plan, or four more years of the administration of Governor Church and the territorial government. It was therefore deemed prudent and advisable that a division and two-state convention be held, to counteract the effect of these active and persistent efforts of the one-state faction. With this end in view the following call for a territorial non-partisan convention was promulgated on the 26th of May, calling such a delegate convention to meet at Huron, July 10th, to-wit:

Headquarters Division and Statehood Central Committee,  
Yankton, Dakota Territory, May 26, 1888.

To the Friends of Division and Two States in North and South Dakota:

The undersigned were appointed upon a committee by the division and statehood convention held at Huron the 18th day of July, 1887, and charged with the duty of calling a convention when in their judgment an emergency should arise which called for such convention. In the judgment of the committee that emergency has arisen.

It is now certain beyond a doubt that Congress will take no affirmative action upon the demands of the two Dakotas for their legal and constitutional rights.

Since your last convention the people of Dakota have expressed their will upon the subject of division at the polls by an extraordinarily large vote considering the circumstances of the election, and by an unequivocal majority of nearly five thousand votes.

The unauthorized attempt of the Aberdeen convention to reverse this verdict of the people, as expressed at the polls, met with exposure and general disapproval.

The last election in North Dakota was permitted largely to go by default, and the votes there cast were cast, as we are informed, by the people of that section under a prevailing misapprehension that division meant statehood for South Dakota and indefinite territorialhood for North Dakota. This misapprehension has been corrected, and we now learn with pleasure that our brethren of North Dakota are ready and anxious to join hands with us in working for two states and immediate admission.

In this posture of affairs the people of Dakota find themselves confronted with a grave and perilous state of facts.

The elections for a territorial delegate in Congress and a Territorial Legislature are soon to take place. If these elections are allowed to go by default by the friends of division, as they were two years ago, we are threatened with the same results for the next two years as we have had for the two years just past. That is, that a Legislature elected at random, on local issues alone, making combinations for appropriations, will again bargain away what little is left of the rights and liberties of the people to an executive who is already vested with more arbitrary and despotic powers than have ever been bestowed upon an American governor. A worse evil than this threatens us.

To renew and keep alive the struggle for civil and political liberty and for the boundaries and institutions of our choice, and for two states, it is necessary that the coming Legislature shall give us a new starting point by passing an act convoking two constitutional conventions, one for North and one for South Dakota. This is absolutely essential to keep alive our struggle.

But to secure this, with a hostile governor, will require a two-thirds majority of the Legislature. This majority is therefore the first requisite. But to obtain this we need a thorough organization of the friends of the two states, and perfect harmony of action between these friends in both North and South Dakota.

We need also something further. We need a well considered, matured and practicable plan of action, which shall be agreed upon by all, adopted by all, and carried through by all, and which shall therefore be made the only and controlling issue in all the fall elections. Such a plan cannot be devised by one man or one set of men. Such a plan must be agreed upon and carried out by all, or we will fail. A failure now means the loss of the next four, perhaps eight years.

The people of Dakota cannot afford such a failure.

Therefore, to the end that the people may have an opportunity, before the fall nominations and elections are upon them, to consider, devise and adopt such a plan of action as

in their wisdom, they must and ought to receive their proper share in forming the government, and cordially request that they should, that the friends of self-government.

This committee, by virtue of the powers conferred upon them, do hereby invite all friends of the state to send delegates to this convention at Huron on Thursday, July 10, 1888, at 10 o'clock, A. M.

"What steps are necessary for them to take to secure their rights of local self-government and the speedy admission of the two states of North and South Dakota?"

That full time may be taken for consideration, we recommend the delegates to come prepared to hold a convention.

We understand that members of the following callings, to wit: The farmers and business men, the clergy, the press and the bar of Dakota, have prepared and will issue calls for conventions of their respective bodies to convene at Huron on Thursday, the day following this convention, to review the proceedings of this convention and to recommend such action thereon as in their judgment shall be right to their respective constituencies.

In view of the necessity for active and hard campaign work and for funds to defray the expenses, the committee urge upon the county conventions, at the election of delegates, to agree upon a sum of money as their quota to a campaign fund and to authorize their delegates to pledge them for that amount and to authorize the proper officers of the convention to draw on them for the same.

The committee recommend to the friends of division and statehood in each county that they at once organize a division and two-state club, to appoint a chairman, and that the chairman have power to call a convention on Saturday, July 7th, in each county, to elect delegates to this territorial convention.

The apportionment for delegates, upon a ratio of one delegate to each 800 inhabitants by the last census, will be as follows in South Dakota:

Name of County.	No.	Name of County.	No.	Name of County.	No.
Aurora	1	Beaumont	18	Clark	8
Brookings	1	Black	18	Clay	1
Buffalo	1	Butte	1	Custer	1
Campbell	2	Charles Mix	1	Dakota	1
Clay	1	Cherokee	1	Fall River	1
Davison	1	Dewey	1	Harmon	1
Douglas	1	Edmund	1	Harrison	1
Faulk	1	Grant	1	Hawley	1
Hasson	1	Griggs	1	Hawthorne	1
Hyde	1	Jerauld	1	Hector	1
Lincoln	1	Kearney	1	Hill	1
McCook	1	Kimberly	1	Holmes	1
Marshall	1	Langdon	1	Hotchkiss	1
Mead	1	Lincoln	1	Hyatt	1
Roberts	1	Lyman	1	Ingersoll	1
Sully	1	Manly	1	Irish	1
Walworth	1	Mason	1	Jackson	1

Although this committee has no jurisdiction as to North Dakota, yet as earnest requests have been made to us by the divisionists of North Dakota to invite them to meet with us, and as the divisionists of South Dakota as earnestly desire the wise counsel and cordial cooperation of the divisionists of North Dakota.

We do also hereby cordially and earnestly invite and request all friends of division and two states in North Dakota to hold similar county conventions and elect delegates, who shall be entitled to a seat and a vote in this convention.

An apportionment upon the same ratio as that adopted for South Dakota, namely, one delegates for each 800 inhabitants, will give the counties of North Dakota the following representation:

Name of County.	No.	Name of County.	No.	Name of County.	No.
Barnes	1	Beaumont	18	Clark	8
Brown	1	Black	18	Clay	1
Burlington	1	Butte	1	Custer	1
Dakota	1	Charles Mix	1	Dakota	1
Grand Forks	33	Cherokee	1	Fall River	1
Kidder	1	Dewey	1	Harmon	1
McHenry	1	Edmund	1	Harrison	1
Morton	1	Grant	1	Hawley	1
Ramsey	1	Griggs	1	Hector	1
Richland	1	Jerauld	1	Hill	1
Sargent	1	Kearney	1	Holmes	1
Southwestern	1	Kimberly	1	Hotchkiss	1
Villard	1	Langdon	1	Hyatt	1
Rensselaer	1	Lincoln	1	Ingersoll	1

Total, South Dakota, 352. Total, North Dakota, 244. Grand total, 496.

Citizens of Dakota, we solemnly believe this to be the most grave and important convention to which you have ever been, or which you ever will be summoned. Your taxes are multiplied yearly, your industries are being cramped more and more, immigration is discouraged by your territorial condition, public and private enterprises are crippled for want of the proper political power over your own resources; your property interests are sacrificed and ruined by the same cause.

Your energies are benumbed. Your manhood is outraged and humiliated. Rights are invaded, justice is denied, public improvements are held back, rightful political power is withheld, a voice in your own government is insolently refused.

All this, without excuse, without apology, and even with threats of perpetual disfranchisement and possible political persecutions.

Confederate brigadiers, who have been but lately pardoned for their own unprovoked acts of rebellion against the Government, dare to insult the loyal people and old soldiers of Dakota with charges of revolution, for simply demanding that right of local self-government and that admission into the Union which belongs to them under the laws and Constitution of the country.

Recreant representatives of northern Union states, notably Mr. Springer, of Illinois, have the unbounded impudence to threaten our people with indefinite disfranchisement unless they submit to an intolerable partisan dictation.

No help need be expected by us from Congress this session or the next unless you act, and that together. If you wish help you must help yourselves. You have the legal weapons in your own hands to help yourselves in a rightful, lawful and peaceful way. You have only to resolve unanimously to use them to see your chains drop off, your industries revive, and your old-time prosperity return. As you act now, in this emergency, so will your destinies be shaped for all time to come.

Leave your farms, your shops, your offices, and give your time and means to the rescue of your good name, your business, your interests, your rights and your liberties.

If you do this, you have it in your power to effectually rebuke and put an end to this most lawless, high-handed, inexcusable and unbearable outrage ever perpetrated upon American citizens in American history, and to secure the admission of the two states of North and South Dakota in twelve months.

If, on the other hand, you suffer the next three months to pass by without taking the necessary steps, your present territorial condition will be prolonged for an indefinite time.

HUGH J. CAMPBELL,

JOHN A. OWENS,

J. C. HEADLEY,

Division and Statehood Central Committee for South Dakota.

#### LAWYERS' AUXILIARY CONVENTION

The undersigned members of the bar of Dakota request a convention of the lawyers of Dakota, to be held at Huron, at 9 o'clock A. M., July 12, 1888, for the purpose of considering measures which may aid the cause of a division of the territory, and the admission to the Union of South Dakota and North Dakota as two states.

(Signed)

John A. Owen, Kingsbury County.

Chauncey L. Wood, Pennington County.

A. B. Schenlan, B. Dunlay, of Kingsbury County.

A. G. Kellam, J. T. Williams, C. C. Morrow, S. J. Moyer, W. C. Graybill, W. A. Porter, J. M. Long, John A. Stroube, of Brule County.

Melvin Grigsby, F. L. Boyce, J. W. Boyce, A. A. Polk, Wm. H. Lyon, T. B. McMaster, H. H. Keith, J. H. Fernyhough, Chas. L. Crockway, D. R. Bailey, Park Davis, A. Frizzell, R. F. Pettigrew, S. L. Tate, R. J. Wells, Wm. A. Walker, J. C. Eddy, H. J. Davenport, U. S. G. Cheney, O. A. Fowler, Joe Kirby, of Minnehaha County.

A. C. Mellette, Courtland Wood, W. H. Donaldson, L. A. Denning, J. E. West, T. V. Eddy, Geo. H. Barnes, F. E. VanLiew, W. S. Glass, F. L. Scarritt, John Nicholson, M. H. Naber, D. C. Thomas, J. E. Mellette, C. C. Church, E. A. Cove, of Codington County.

J. P. Cheever, Edward C. Webber, of Hamlin County.

P. C. Murphy, G. A. Matthews, J. O. Andrews, J. E. Diamond, C. L. Davis, of Brookings County.

S. A. Cranmer, A. S. Drake, Wm. T. Hughes, Wm. Duncan, H. C. Briggs, W. O. Stout, S. A. Cochran, C. H. Barrows, Wm. W. Hughes, F. Sharpe, Edmunds County.

Robert Dollard, T. O. Bogert, W. T. Williams, J. D. Elliott, O. Richmond, of Bon Homme County.

Frank Alexander, of Campbell County.

Thos. Sterling, C. T. Howard, H. O. Warnock, D. A. E. Warnock, John J. Cushing, of Spink County.

Carroll Atwood, of Faulk County.

R. B. Smither, D. M. Evans, S. S. Lockhart, of Grant County.



A general convention of the people of Dakota has been called to meet at Huron, July 10th and 11th next, to take into consideration the condition of Dakota, and recommend suitable and effective action thereon.

It is desired by those calling this convention to consult with all the ministers of Dakota, along with other bodies, and to lay before them such propositions as that convention may adopt for their consideration and approval. As we understand it, the matters to be brought before that convention concern vitally and immediately the highest interests of the people of Dakota.

Your counsel and judgment thereon is desired.

In critical times like this, when all the people of Dakota have is at stake, it is natural and right that they should have whatever counsel and assistance we can rightfully give.

Therefore, as requested, we respectfully and earnestly invite all the ministers of churches in Dakota to meet in convention at Huron on Thursday, July 12th, there to consider such matters pertaining to the public welfare as may be submitted to them by the people's convention.

We are informed that arrangements will be made for reduced fares and suitable accommodations.

Rev. D. S. McCaslin, pastor, Presbyterian Church, Huron, Dakota.

Rev. Joseph Ward, D. D., president of Yankton College, Yankton, Dakota.

Rev. Dan F. Bradley, pastor, Congregational Church, Yankton, Dakota.

Rev. A. B. Smart, pastor, Wessington Springs, Dakota.

Rev. J. B. Pomeroy, Presbyterian minister, Huron, Dakota.

Rev. F. A. Burdick, pastor, Methodist Church, Yankton, Dakota.

Rev. A. W. Adkinson, pastor, Methodist Church, Mitchell, Dakota.

Rev. Thomas Hamby, pastor, Methodist Church, Britton, Dakota.

Rev. A. D. Traveller, pastor, Watertown, Dakota.

Rev. E. Hartsough, presiding elder, M. E. Church, Sioux Falls, Dakota.

Rev. W. R. Gordon, pastor, Congregational Church, Milbank, Dakota.

Rev. James Rowe, pastor, Redfield, Dakota.

Rev. C. B. Clark, pastor, Mitchell, Dakota.

Rev. H. M. Springer, pastor, Clark, Dakota.

Rev. P. E. Murray, pastor, M. E. Church, Woonsocket, Dakota.

Rev. C. E. Hager, pastor, M. E. Church, Madison, Dakota.

Rev. E. E. Clough, pastor, Watertown, Dakota.

Rev. D. Gostelow, pastor, Andover, Dakota.

Rev. W. J. Hyde, pastor, Groton, Dakota.

Rev. R. W. Ely, pastor, Presbyterian Church, LaMoure, Dakota.

Rev. C. E. English, pastor, Huron, Dakota.

Rev. H. S. Mills, pastor, Huron, Dakota.

Rev. Chas. Potter, pastor, Huron, Dakota.

Rev. D. B. Nichols, pastor, Congregational Church, James River, Dakota.

#### THE FARMERS' AND BUSINESS MEN'S CONVENTION

To the Farmers and Business Men of Dakota:

The statehood committee have decided to hold a convention at Huron on Tuesday and Wednesday, July 10th and 11th, and following this, have requested, on Thursday, the 12th, a farmers' and business men's convention, a clergymen's convention, a convention of lawyers, a convention of editors. Therefore the undersigned farmers and business men of Dakota represent to their friends that there is little probability that the present Congress will take favorable action on any measure for the division and admission of Dakota, and it is of the highest importance that the representatives of the producing and business interests of Dakota should come together and consult as to what steps should be taken to protect themselves.

For grievances similar to those inflicted upon the long suffering people of Dakota our fathers rebelled against the mother country.

What is our condition today in consequence of the denial of our rights?

We are practically denied the right to trial by jury guaranteed to us by the Constitution, because the judicial districts are so large that it is impossible for the judges to meet the demand.

Our laws are unsuitable and conflicting in their provisions. Property is insecure. Capital that would flow through the channels of trade and find investment within our borders is repelled, and the consequence is higher rates of interest.

We are denied the privilege of legislating for our own interests by the restrictive laws of Congress prohibiting any but laws applicable to the entire territory. A city cannot have even its charter amended, however faulty it may be, because that would be special legislation, and forbidden.

We have respectfully asked for admission, we have bowed the suppliant knee in humble position that we might enjoy the rights of freemen, and have been spurned and insulted.

We have endured for years "taxation without representation."

We are told that "unless we see the necessity of coming in as one state, and desist from the present policy of demanding division," we will "be kept waiting another decade." Thus they ignore the will of the people as expressed at the polls.

These wrongs are seriously affecting our business interests.

We therefore call those officers, citizens and business men of Dakota Territory, who are in sympathy with the cause of the oppressed, to meet at Huron on the 1st of June, 1874, to consider the proper plan of action we can make Dakota's cause a national issue, and then success is assured.

It is recommended that in each county the business men and farmers should hold a convention and elect as many delegates as will attend this convention at Huron.

It is further recommended that the county convention shall pledge such sum as they are willing to contribute toward the expense incurred by the statehood committee in furthering this cause, and that the delegation be instructed to pay such sum to the treasurer of said committee.

The usual business of the county convention will be transacted at this county convention.

(Signed)

C. W. Diggs	Alex McIntyre	E. D. Hills	D. L. Coleman
D. K. Bryant & Co.	M. C. Keenan	Frank Smith	B. E. Beach
J. C. H. ...	Isaac Daugherty	J. C. Crow	W. W. Menzie
Henry C. Sterling	D. P. Wilcox	Wm. Tobin	F. A. Remington
G. W. Wilson	O. H. Carney	C. G. Church	J. M. Green
Wm. J. Bilep	A. B. Wilcox	Ole Gislev	John E. Lockhart
C. B. Alred	Wm. S. Scougal	W. H. Bloom	A. Mittelsteadt
Irving Mutchler	J. H. ...	H. D. Walrothe	U. A. Gregory
E. C. Issenhueth	L. M. Purdy	J. J. Amesley	N. B. Miller
C. H. Colton	Newton Edmunds	John Michael	W. S. Wells
A. J. White	A. L. Hinman	Frank Loveitt	A. F. Scott
A. Lampa	E. A. Bruce	W. H. Cooks	D. J. Parkhurst
Geo. W. Chase	W. H. Carr	Will Arthur	J. W. Jacobs
F. F. ...	C. H. Goddard	W. N. Munger	M. J. McGillinary
W. H. Newcomb	T. J. Matts & Co.	Wm. Warner	R. J. Patterson
J. C. Klemme	L. S. Frisby, Jr.	Daniel Nesbit	T. David
Robert Kuehn	A. W. Preston	August Sasse	A. H. Tuttle
F. L. ...	T. M. Graham	J. H. C. Young	C. B. Billingshurst
Frank Schiller	George Willis	J. W. C. Morrison	E. C. Rice
C. S. Loveland	F. B. Sherman	Wm. M. Powers	M. D. ...
Alfred ...	Chas. L. Hyde	Z. Richev	G. A. Dodds
C. C. Beach	Chas. C. Dunlap	W. H. McVay	J. E. Brock
S. W. Merrick	C. F. Bingenheimer	James Witherspoon	J. W. Jones
F. D. ...	J. A. ...	W. B. Valentine	Frank Crane
A. W. Johnston	J. W. Britton	C. H. Bates	Pete Schamberger
H. P. Fish	E. C. Walton	G. W. Roberts	F. P. Thompson
H. I. Benedict	Cass D. Houghton	D. F. Davis	John Best
A. Ward II	Amel ...	D. W. C. Tanner	Charley Edwards
B. L. King	D. W. Stiver	Davis, Longstaff &	David Wolfe
A. W. Page	Chas. Simmons	Crouch	M. F. Waite
Henry F. Barnett	T. R. Bryant	L. W. Hazen	Albert Best
J. S. Seebree	F. Cool	A. F. Anderson	W. A. Davis
Jay Wellman	L. H. Ramsey	L. H. Ramsey	L. D. F. Poore
B. Schutte	S. F. Adams	George C. Ketchum	H. W. Hinman
J. A. Trow	W. O. Mitchell	J. H. Devoe & Co.	S. S. Groom
G. H. ...	W. Casson	W. S. Farrington	J. B. ...
C. C. Hays	N. B. Reed	C. E. Blount	H. B. Wynn
Frederic Steele	William Stough	Frank Wilson	H. W. Pike
P. I. Gerin	D. H. Henry	John Blair	W. H. Gould
I. C. ...	Henry Shafer	William Warhead	Frank A. Weeks
A. B. ...	W. F. Smith	J. E. Baker	P. A. ...
R. C. ...	John G. Barnett	I. E. Baker	Patrick Brennan
Wm. ...	A. G. Miller	Joseph Speivear	L. W. Hazen
F. L. ...	E. P. Palmer	A. Shimmer	F. M. Thomas
T. H. ...	E. C. Jay	D. S. Banks	Frank Brown
M. R. ...	F. B. Roberts	C. E. Hinds	A. Sanderson
S. B. ...	I. M. Kintner	N. H. Merrill	N. H. Merrill
I. E. West	W. H. Glenkler	F. G. Stevine	M. J. Dinneen
I. D. ...	F. G. Stevine	I. C. Owells	
C. L. ...	I. C. Owells	M. J. Dinneen	
E. A. Brizee	Louis Berner		
F. G. ...			
John Glen			
John B. ...			
Thomas ...			
Louis Berner			



M. B. Cooley	C. S. Amsden	J. W. Davidson	Geo. P. Babcock
E. C. Ferry	D. Bartlett	W. H. Dykens	Luvern Costley
L. L. Kelley	Thos. Purcell	S. C. Eailey	L. L. Phillips
C. S. Coler	Thad S. Hays	John H. Groce	S. H. Plummer
G. H. Coyton	B. I. Templeton	W. S. Billinghamurst	John C. Wagoner
John Westdahl	N. W. Eggleston	W. J. Scarrett	F. J. Kahn
S. J. Eichenberger	S. S. Lockhart	H. R. Pease	E. E. Hudson
W. M. Caldwell	D. M. Evans	E. G. Fahenstock	Oscar Kappel
Ed Ellson	Lewis McDonald	J. E. Carpenter	James, Kingsbury
D. B. Jeffries	Gib. Delewanowski	F. P. Phillips	Christ Boller
B. E. Crumbecker	D. T. Hindman	M. H. Cooper	Joseph Ferdinand
W. H. Burdick	R. N. Locke	J. S. Welch	Nicholas Morgan
H. J. Patterson	J. W. Hurlbut	O. H. P. Cram	Wm. H. H. Beadle
G. W. Fenno	J. C. Knapp	M. Bierstad	C. H. Taylor
George Kasson	F. W. Dier	C. G. Williams	

These names were procured on a number of petitions, but the residence of the signers was not preserved if given. We gather from personal knowledge of many of the signers that the counties represented were in the southern portion of the territory. There were 272 of the names.

The two-state convention was called in May. During the interval of the calling and holding of the convention, political events of national and territorial importance transpired that had an important influence upon public sentiment and had seemed to modify the apprehensions which might have existed early in the season that Dakota was confronted with imminent danger should the political situation throughout the country and in the nation continue in control of the elements which had been responsible for refusing justice to Dakota. The presidential conventions had been held and Grover Cleveland renominated by the democratic party, and Benjamin Harrison by the republican party, for the presidency. Both parties had held territorial conventions to select delegates to the national conventions, so that the public mind had been quite actively enlisted, and there had not been the attention paid to selecting delegates to the two-state convention, to be held at Huron, July 10th, which its importance would seem to warrant. The convention, however, was held, the following being a brief report of the opening proceedings:

The division and statehood convention met in the City Hall at Huron on Tuesday, July 10th, at 2 o'clock P. M., and was called to order by Hugh J. Campbell, who read the call. Waldo M. Potter, of LaMoure County, was chosen temporary chairman, and W. H. Lyon, of Minnehaha County, secretary. On taking the chair Mr. Potter made an excellent address, giving his reasons for being a divisionist, closing with a few words of caution as follows:

"I think we should go on wisely and cautiously, and take such measures as will more speedily effect our admission into the Union. I would recommend proceeding in such a way as not to interfere with the plans of friends in the East who are working in our behalf."

Joseph Allen, of Turner County, Mr. Sheets, of Kingsbury County, John M. Fogarty, of Yankton, were appointed a Committee on Credentials.

D. N. Gross, of Yankton, W. H. Lyon, of Minnehaha, J. H. Sheets, of Turner, F. H. Withee, of Clay, and John A. Owen, of Kingsbury, were appointed a Committee on Permanent Organization. A brief recess was taken.

The credentials committee then made a partial report, ten counties presenting credentials.

The Committee on Permanent Organization reported, recommending Hugh J. Campbell for chairman, E. W. Caldwell secretary, and Mr. Lewellyn assistant secretary, which report was adopted, and Judge Campbell took the chair and delivered an able address.

Colonel Plummer, of Brown County, sent a telegram expressing regret that he was unable to attend, and expressing his concurrence in the two-state movement.

On motion of Mr. Ponder, of Spink County, the hall agreed to employ a following committee to formulate a plan of action and present it to the convention for consideration, namely: T. W. Cassell, of H. Knuth, W. W. Thompson, of Minnehaha; Joseph Allen, of Turner; Colonel Adams, of Day; Mr. Poin-dexter, of Spink; J. A. Pickler and D. M. Humphrey, of Faulk; Waldo Potter, of LaMoine (for Cass); J. M. Deyou, John Murphy, of W. Lewis, of H. May-ers, D. R. Shannon and Carl Gerner, of Beadle; Joseph Ward, of Yankton; John A. Owen and M. M. Sheets, of Kingsbury. An adjournment was then taken until 10 o'clock Wednesday morning.

In an informal way each member of the business committee gave his views on what should be done. From these expressions it was certain they would not favor the immediate setting in motion of the state government. Rather they would recommend electing a Legislature that would be solid for two states. Then have the Legislature provide for two constitutional conventions, take from the governor all authority where it can be done without detriment to the public inter-ests. The idea is growing rapidly that admission is not far off.

At Wednesday morning's session of the convention, the committee to formu-late a plan of work made the following report:

1. To urge upon the people of the two states the importance of electing a Legislature for all representative officers in the fall elections.
2. To urge upon the people the especial importance of electing for the Legislature honest men, brave and determined men, who will pledge themselves to a sweeping reform of the abuses which flourish under the present administration, especially in its financial depart-ments, and to take from the governor all the despotic and unusual powers which have been bestowed upon him by the Legislature of the Territory.
3. To pass laws immediately, during the first days of the Legislature, convoking two constitutional conventions, one for North and one for South Dakota, if deemed expedient.
4. Who will pledge themselves, in case the result of the coming presidential election shall be adverse to Dakota, and shall place in power men and parties whose policy and measures shall threaten Dakota with perpetual or indefinite colonial vassalage, to enact such other measures as they lawfully may for the relief of the people of these two states.

When the matter of the two constitutional conventions was reached in the report above, an hour's discussion resulted in the adoption of another consti-tutional convention for South Dakota, that without already having a constitution. Finally the debated section was changed to read thus:

To pass a law immediately during the first days of the Legislature convoking a constitu-tional convention for North Dakota, and to take such steps for the establishment of a state government for South Dakota as the people of South Dakota may demand and the exigen-cies of the case may require.

The plan of action having been unanimously settled and adopted, the committee then reported an "address to the people," which was unanimously agreed to. It was brief and to the point, and is here given:

To the People of the Two Dakotas:

Such a day as the one now shining never dawned upon us before. We have secured recognition from one of the great national parties, the same we shall have when both our states are within the Union, so that the work for two states is now more popular than one.

It now remains for us to make one more supreme effort and our work is done. In the campaign for the first time the two Dakotas are keeping step to the same music. The same goal is before them both. The people of both sections now see alike the necessity of using the same means to accomplish a common end. All this portends victory for us, and in the very near future. But with this opportunity will not come of itself. We have no other single nerve. We cannot cease our vigilance. Having begun we must stay through to the end. We may have personal choices in party, in hopes for progress, in various affiliations, but for the present emergencies we must subordinate them all and make foremost our unalterable purpose at all hazards and at whatever cost. Dakota shall be redeemed. To do this we must help ourselves.

"Fear God, and take your own part," must still be our motto.

To do this let us elect for our next Legislature only such men as will, first of all, stand together for the two Dakotas. We must elect men who are firm and true to the people.

ing from their position. Men who will not be afraid to strip from the office of our alien governor the power and the perquisites that we would never think of giving to a governor of our own choice. Men who will make no appropriation of our money that is not clearly warranted by the organic act. Men who will, at the first opportunity, move forward to accomplish statehood for both Dakotas.

In this way we shall reduce the evils of our territorial condition to the lowest point, and make more sure the coming of complete triumph of home rule. Only once do we need to act on this appeal. Only once does North Dakota need to join hands to end this provincial degradation and begin the glory of our statehood life.

With the adoption of this address the labors of the convention were ended, and an adjournment was taken. The central committee was empowered to reconvene the convention should occasion warrant such a step.

The auxiliary bodies—the clergymen, the editors, the attorneys, and the farmers and business men, held meetings and each adopted a brief statement supporting the purposes and proceedings of the principal convention.

A very pleasing incident of this occasion was the presentation by the women of Huron of two banners, of appropriate design, one for North Dakota and one for South Dakota. There appears to have been no orator ready to respond to the beautiful and appropriate testimonial on behalf of North Dakota, but Hon. George H. Hand, a Dakota pioneer of merit, appeared and accepted the banners, making a brief and eloquent acknowledgment, in words following.

Addressing the committee of ladies, Mr. Hand said:

On behalf of the president of this convention and the people of Dakota whose homes are scattered from the eastern line to the golden hills in the west, I accept these beautiful banners and tender you our sincere thanks.

Twenty-five years ago, when the earth trembled beneath the march of men, when women wept and prayed, and brave men went forth to conflict, it was customary for our wives, mothers, sisters and daughters to present to companies and regiments the flags which they carried to the fields of carnage. Many a flag that went through storms of shot and shell in war returned in shreds and tatters.

Today, after all these things have passed away and only linger in memory and dreams, when peace has spread her pearly wings all over the land, this beautiful and touching custom is again revived. But today the banner is not one of war but of peace.

It is an emblem of the sympathy and good will not only of the women of Huron, but of all the loving hearts in this great domain, which are dearer to us than all else on earth.

Men of Dakota, behold your banners. And in beholding them, swear in your hearts before God that you will never cease your lawful efforts until victory is gained. If in the days to come discouragements shall appear, think of the fair hands that wrought these banners. If clouds shall lower and defeat shall seem to impend, think of the loving hearts these banners represent and take courage. Swear that they shall never be trailed in the dust of defeat and dishonor.

Ladies of Huron, I again tender you our sincere thanks, and assure you that in the hands of brave men these banners shall never see dishonor. We will bear them aloft until heaven's golden light shall kiss their folds, amidst the plaudits of a free and enfranchised people.

The banners were consigned to the custody of the Huron convention, to be kept until the two states were admitted, and then turned over to the proper representatives of the new state governments.

There was no substantial sentiment in any party that favored any division of the territory upon any boundary except the one along the 7th standard.

The democrats in Congress were inclined to delay, but they would not have dismembered the territory contrary to the wishes of the people, nor would they have favored any such meritless plan as Ordway's, which it is evident was introduced to give a pretext for further delay, on the ground that the people of the territory were not united on the 7th standard parallel division line. A north and south division did not promise any remedy for the diversity of interests existing in the two sections, which had always been the basis for seeking a division of the territory.

A single tax convention was called to meet at Huron, May 22d. Dakota people were reaching out after the best things in the realm of new ideas, in 1888, to put in their constitution, and in their laws the theory of Henry George which he had



attractively portrayed in his book entitled "Progress and Poverty" was not forgotten, but the idea was not generally favored. It had no advocate in the constitutional convention, and it is probable the convention took no steps to secure it a hearing. It does not appear to have got beyond the theoretical stage in any part of the country, but there are those who insist that there is something in it worthy the attention of a progressive nation of people.

#### THE TERRITORIAL REPUBLICAN CONVENTION

The territorial republican convention having elected ten delegates to the national convention, claiming that the population of the territory entitled it to that number, the entire ten were placed on the roll by the chairman of the national convention, and cast that number of votes throughout the entire proceedings. Under the call for the national republican convention, Dakota Territory was given but the customary two votes allowed to all territories, but its half million of population and its consequent nearness to statehood entitled its people to recognition in the national convention, and with this recognition the information went abroad throughout the United States that Dakota had been for years defrauded of her political rights by the opposition. Through this and other less important channels the question of statehood for Dakota was placed at the forefront in all the states that year, and as a new House of Representatives was to be elected as well as President, the Dakota question was made a national issue. This will not be denied. The result was a triumph for the republican ticket and a majority republican in the House, from all of which it was logically inferred and stoutly proclaimed by many who were well qualified to judge, that the Dakota issue had won the battle for the national republican party.

#### A ADDRESS OF JULY ORATION

Mr. Robert J. Gamble, of Yankton, junior member of the law firm of Gamble Brothers, had not at any time been in sympathy with the radical views and program of Hon. Hugh J. Campbell, who had been one of the prominent leaders of the movement for division and statehood, and had taken the position that southern Dakota had the right to set up a state government without the sanction of Congress, in case that body refused to admit the state, and proceed to enact laws under the state constitution. In order to avoid a clash with the territorial government, then in operation, Mr. Campbell urged the election of a territorial Legislature that would co-operate with the independent state government. Mr. Campbell's views may have been shared by a large proportion of the people, but when the opportunity came to put his plan into practical effect, the people's representatives neglected to take the step. They appeared to doubt the wisdom of it, and preferred to postpone any decisive action, hoping that Congress would relent and grant their petitions.

The Fourth of July, 1888, coming on, the people of Yankton, who had been enjoying a year of unusual prosperity and growth, resolved to celebrate the occasion, and Mr. Robert Gamble was selected as the orator of the day. The question of statehood was not considered in connection with this selection, and the general opinion was that Mr. Gamble would deliver an oration after the prevailing fashion of Independence Day addresses, and at the opening of his speech he made an appropriate allusion to the revolutionary nature and the grand character of liberty which they promulgated in 1776, and then took up a discussion of the subject of statehood at which the people seemed that day throughout Dakota was deeply interested. He stated that South Dakota's qualifications for statehood were ample in every feature and were not questioned. Population, intelligence, resources, wealth, all the requirements could be fully met in standard measure, and then the speaker proceeded as follows:

Under the present conditions what is it possible for the friends of division and admission to do to further the desired end, that we might look with some degree of confidence for the fruition of our hopes? What is expedient? What feasible? What is legal?

1. Shall we follow the old beaten path with high purposes and unfaltering courage, and press on and around the policy laid out by the act of the Legislature of 1885 authorizing the Sioux Falls convention, and under which the constitution was adopted, and which has twice received the endorsement of the Senate of the United States? Or

2. Shall we abandon this and follow another policy which is proposed to be inaugurated and carried through the incoming Territorial Legislature?

First. By passing a law convening constitutional conventions for both South and North Dakota, and providing for the election of state officers at the time of the submission of the same for adoption.

Second. Presuming that the constitutions so framed would meet the approval of the people of both the proposed states, the Territorial Legislature would further provide that the territorial government on a day fixed would cease and determine, and thereupon the state governments would go into operation and assume the functions of sovereignty. The Territorial Legislature would further affix penalties and punishments against any citizen recognizing the territorial government thereafter, or in any way impeding the administration of the proposed state governments. This to be done, of course, without the sanction, approval or consent of Congress.

In discussing this, I will content myself by simply stating as to the first proposition, that in the act of the Legislature of 1885 convening the constitutional convention, in its adoption, in the election of state officers and of senators and of representatives in Congress, the whole procedure was consistent and in harmony with well established precedents, justified by previous acts, in numerous instances, by the legislative and executive departments of the Government, and approved by decisions of the Supreme Court of the nation. The course thus far pursued has been the usual, the regular, and, under the circumstances, the only legitimate one. And it seems to me that in it there have been displayed in a high degree, not only self-sacrifice, forbearance, discretion, but wisdom and patriotism as well. We practically with unanimity, through a long series of years, uniformly memorialized—we resolved, we balloted, we petitioned, but thus far the lower house of the national legislature has turned with deaf ears. We did then what I say we had a right to do, but so far the much desired goal either of division or statehood has not yet been reached.

Naturally, then, men look for new expedients, hoping thereby to find a new way and avoid the delays of the old. The second proposition then comes as one of these. And I shall take it up and endeavor to discuss it, and if we find it is feasible and justified by precedent and law, let us follow it; otherwise discard it, and follow that course upon which we stand as on solid ground, surrounded by the light of experience, our course marked out by law and sustained by the adjudication of the highest tribunal of the government. It is not best to let our intemperate zeal to secure the object which we know we ought to possess and of right ought to be ours, lead us into fallacies of argument or place us upon a false basis, which in the long run could only delay the accomplishment of our cherished purpose.

No citizen will go before me in rightful condemnation of the man or set of men, who, without warrant or excuse, for mere selfish interests or party advantage, deny the right of self-government and the management of their local affairs to 600,000 people. It is a crime too grave for language to express, and especially so under a government the pride and flower of all the ages. But condemnation like this does not lead us out of the dilemma, or place us on the highway to the accomplishment of our desired end.

With this brief statement as to the first, I shall proceed now to consider the second proposition. And in so doing I hope thereby to elucidate and sustain the first, and it seems to me in such a manner that there can be no question about the correctness of the first and of the fallacy and ineffectiveness of the second. I do not want to enter this discussion as a partisan, but as a citizen, wedded to no pet theory, but what seems to me to be the right one, and the one that will subserve the highest purpose—impressed as well that he who in the smallest degree takes part in the moulding of a commonwealth is engaged in very serious business.

Dakota was organized as a territory by act of Congress, March 2, 1861. Its organic law defined its boundaries, and provided for the temporary government thus organized, legislative, judicial and executive departments, defining their functions, limiting their powers, and regulating in all respects its method of administration. This government so organized in due course, was properly officered, and since then and today is a fixed fact in our national life. And the laws by which this government was organized and created are unrepealed by the law-making power which created them, and they are still a part of the national statutes.

We must then commence our inquiry with the territorial organization as a fixed fact, every department of it in operation and performing its appropriate functions, its people submitting to its authority and recognizing its validity under the laws and constitution of the United States. To be transformed legally from this condition into a state, a member of the Federal Union, is the line to be followed.

As to the power of Congress to organize the territory, and of the absoluteness, under the Constitution, of its jurisdiction over it, is not open to very serious discussion. The Constitu-

from the United States, and the laws of the United States are supreme over the laws of the several states. The laws of Congress then, upon a subject within its jurisdiction, are exclusive and supreme, as well by express provisions as by necessary implication. And from the supremacy of the Constitution and laws of the United States, it necessarily results that the interpretation of the laws by the highest tribunal created by the law itself, must be equally supreme over the constitution and laws of the several states. *Desty's Federal Constitution*, 248-249, and cases cited.

To what position then does this force us? That the law organizing the territory, commonly denominated the "Organic Act," is a subject for legislation within the province and jurisdiction of Congress, and that that law is supreme, and that the territory itself and its Legislature are things of its creation. That this organic law is to us the same as the constitution is to a state. That the original source of power in a territory is from Congress, while in a state it is from the people. And what layman will claim, much less a lawyer, that a Legislature is not controlled and limited and circumscribed by the grant of power in the fundamental and organic law by which its very existence is supported and sustained. But upon this branch of the subject we need not speculate or theorize, for the Supreme Court of the nation in a case with which we are all familiar has so spoken that there need be no misapprehension:

"It is certainly now too late to doubt the power of Congress to govern the territories. There have been some differences of opinion as to the particular clause of the Constitution from which the power is derived, but that it exists has always been conceded.

"All territory within the jurisdiction of the United States not included in any state, must necessarily be governed by or under the authority of Congress. The territories are but political subdivisions of the outlying domain of the United States. Their relation to the general Government is much the same as that which counties bear to the respective states, and Congress may legislate for them as the state does for its municipal organization. The organic law of a territory takes the place of a constitution as the fundamental law of the local government. It is obligatory on and binds the territorial authorities, but Congress is supreme. The power to amend acts of the Territorial Legislature is an incident of sovereignty. Congress may not only abrogate laws of the territorial legislatures, but it may itself legislate directly for the local government. It has full and complete legislative authority over the people of the territories and all the departments of the territorial government."

The grant of legislative power to the territory under section 1851 of the revised statutes of the United States I admit is very broad. It is as follows:

"The legislative power of every territory shall extend to all rightful subjects of legislation, not inconsistent with the Constitution and laws of the United States."

Can such a rule of construction be asserted in sincerity, that the Legislature can set at naught the express provisions of the laws of Congress, its organic law, its Constitution? Can it, as it is claimed, destroy the very government under which it is acting, and exists, and by which it was created, and annihilate its own integrity, and resolve itself into chaos?

Would not that be in the very face of the provisions of the limitation itself? Would it not be inconsistent with the laws of the United States in the organization of the territory? The very statement of the proposition answers it. The thing cannot be greater than its designer. Could such a proceeding be classed as within the "rightful subjects of legislation?" Upon this subject I quote from *Brittle v. The People*, 2 Neb. 211:

"The Legislature of the territory owes its existence to 'the Organic Act of Congress, which empowers it to legislate on all rightful subjects of legislation.' To undertake to subvert the very government under which it assembles and acts, is not a rightful subject of legislation. On the contrary it is revolutionary. These rightful subjects must be such as are usual, and as are for the benefit of the governed, and must be acted upon in recognition of the existence of the territorial government. \* \* \* That as long as we were on this territory, we were subject to and had to abide by such laws as Congress under the Constitution, chose to make, and that not until we were strong enough to defeat the United States by arms, could we hope for any change from such territorial rule without the permission of Congress."

Such language may seem strong from our Nebraska brethren, but they are fully justified in following so eminent an authority as the Supreme Court of the United States

"Such conduct by bodies situated within our limits unless by states, duly admitted into the Union, would have to be reached either by the power of the Union to put down insurrection, or by the power of Congress to punish the offenders."

And upon the same subject I would cite *Cooley's Constitutional Limitations*, page 34, note, in speaking of the power of the Territorial Legislature, "the legislation, of course, must not be in conflict with the law of Congress conferring the power."

And upon the same subject I would cite *Cooley's Constitutional Limitations*, page 34, note, in speaking of the power of the Territorial Legislature, "the legislation, of course, must not be in conflict with the law of Congress conferring the power."



delegated agents, not of the people within the limits of the territory who elect them, but of the supreme legislative power under the Constitution, vested in Congress. That power which encompasses the whole Union, whether it be within the limits of a territory or a state within the Federal Union.

To admit the doctrine contended for would be to assert that Congress practically had no power over the territories, only such as its inhabitants permitted it to exercise. And when I say Congress, I mean the national authority. Does not this plenary power of the Union enter into and over and encompass as a shield every state that is a part of it? And does not every state admit and recognize this power to which they are welded as an integral part? Then how much more would, and does, this power remain with and over the territories before there has been any delegation or surrender of these powers of sovereignty to a state? To admit this doctrine is to belittle this, one of the mightiest Governments of history, and certainly the grandest of all history. It is to assert it is without sovereignty over its own dominions. That under the shadow of its own majestic strength, its integrity is shattered, and especially in a locality with which it is possessed of all its original powers. I maintain that such a doctrine is heresy. That it denies the sovereignty of the Union, and is in conflict with the theory of its foundation.

Leaving this part of the argument I shall next pass to the consideration of the question as to the inherent power vested in the people of the territory, to form a constitution, organize a state government, put the machinery of that government into operation, and relegate the territorial government to a thing of the past. In other words to annihilate it, and to assume for this new organization all the powers of sovereignty, invested and clothed with all the functions of government. This is to be done by this people, by what is claimed in their "sovereign capacity." Not from any outside power but springing from that inherent right reposed in them and belonging as citizens of the National Government under whose jurisdiction they are, and to whose allegiance they are subject.

It would seem to me that in this branch of our subject we are again not left to speculation or theory. These powers have been defined. These rights have been analyzed and passed upon. The way and the procedure have been pointed out, if regard be had to the adjudication of the courts, the precedents in our history, the opinions of our statesmen, and best text writers upon constitutional law.

I do not mean to claim that a citizen of the Government surrenders any of his right, as such, by becoming a resident of a territory. But he assumes a new relation to the Government. He then becomes a resident of a place which was the property of the general government, and over this property and territory the Constitution of that Government has reposed in Congress exclusive dominion and control. The citizen assumes his residence with full notice of that power, and is subject to it. To be sure, he comes here with the guaranty from the general government under the ordinance of 1787, and with the solemn, treaty stipulation of the deed of purchase of Louisiana, with full assurance that the Government will not break its faith. But that the ultimate power is reposed in Congress, he cannot question, for the Constitution to which he is born in allegiance, so plainly states.

But from this general argument let us turn to the Constitution itself and the decisions of the courts and text-writers, and let us, before we try any new experiment, find assurances for the faith that is in us.

Section 3 of Article 6 of the Constitution says: "New states may be admitted by the Congress into the Union." To assert that there can be a state out of the Union, is to deny the supremacy of the Constitution and the integrity of the Federal Union.

To maintain this doctrine, is to repudiate the ordinance of 1787 and violate its express provisions. This is the law under which it is claimed this right is guaranteed, and it is, but not to the extent to which it is asserted. This very guaranty provides:

"That the territory and the states which may be formed therein, shall forever remain a part of the Confederacy of the United States of America, subject to the articles of confederation, and to such alterations therein as shall be constitutionally made."

This was subject to, and was changed by the subsequent adoption of the Constitution with the provision therein engrafted as to the power of Congress in the admission of a new state. This shows the relation of a territory and of the rights of its inhabitants to the National Government, and of the power to change from a territory to a state. In either case, whether state or territory, they must "forever remain a part of this confederacy." Not a state outside and independent of the Union, but one within and recognizing its authority in obedience to its Constitution and laws.

Congress has no power alone to make a state. It requires the concurrent action of both the people of the proposed state and Congress. The one party alone is not sufficient. The people of the proposed state may organize it preliminary thereto, but it requires the action of Congress before it is endowed with sovereignty, and is in the full sense a state.

The reliance that is placed upon the treaty of 1803 with France in what is known as the Louisiana purchase, though strong as a matter of equity and good faith from the Government to the people who settle that domain, certainly does not infringe upon or limit the power of Congress in regard to the admission of new states, erected out of the territory embraced in that purchase. The very article of the treaty relied upon states that they shall be admitted "according to the principles of the Federal Constitution." The Constitution reposed the power in Congress, which at that time was in force. A treaty, of course, has the same force

as a law, but rests upon the fact that the constitution is not in harmony with, rests upon, and must be interpreted by it.

To carry this doctrine out, is to say that Dakota, Montana, Washington, Utah, in fact the whole of the western territories, may assert their right to statehood, and be states, without receiving any approval or sanction from the national government. They may or they may not agree with the adjoining commonwealth as to boundaries. Their ideas of what a constitution is, and of the powers of the people, may be entirely different from that of the nation. A conflict of the two governments, the territorial might be nothing. Utah, already a sufficient stain on our civilization, might make her institution perpetual. To say that Congress has no right to interfere with the territorial government, would be to them, is to withdraw the sanction of the nation, and change the terms of its admitted rights, which is denied by reason as well as by authority.

The case of Tennessee is frequently referred to in this discussion as justifying this form of procedure. But I am not advised whether the new state as organized actually assumed the powers of sovereignty prior to the act of admission by Congress. I have never seen it so claimed. In February they notified the President that on March 28, 1796, "the temporary government established by Congress would cease." This notification, with the accompanying documents, President Washington transmitted to Congress, and the state was, in June following, duly admitted by Congress into the Union. Washington, in his message, recognized the authority of Congress in the premises, in transmitting it to for action, and "with the proof to entitle the territory to be admitted as a state into the Union."

The case of Michigan it is claimed, and the precedent there established, further justifies and sustains the claim made by the adherents of this doctrine. If so it will bear the fullest investigation. The Territorial Legislature passed on at January 27, 1835, authorizing the holding of a constitutional convention, to form a state constitution. Under this convention a constitution was formed, and was submitted and ratified by the people. On the following, and state officers were at the same time elected. These were submitted to President Jackson—the constitution thus adopted and its accompanying documents. In his message transmitting this constitution and documents to Congress, he says: "That instrument together with various other documents connected therewith has been transmitted to me for the purpose of being laid before Congress to whom the power and duty of admitting new states into the Union exclusively appertains, and the whole are herewith communicated for your early decision."

It would seem there could be no misapprehension as to the view taken by him, representing the executive department of the Government, as to the jurisdiction of Congress in the premises.

It would be needless to go into a full history of the proceedings at that time, or as to the differences between Ohio and Michigan as to her admission to the Union, suffice it to say that Michigan was not admitted as a state into the Union by Congress under the above Constitution of June, 1835-36, till January 30, 1837. In the meantime, after its adoption and before the state was admitted into the Union, the state government had organized and had assumed the powers of sovereignty, the territorial officers practically merging into those of the state. Their Legislature assembled and assumed to pass laws. Their courts were open, and the territorial government was the creature of the pretended state, assuming its functions.

There seemed practically a unanimity of sentiment in sustaining the new order of things, and to relegate the territorial government to the rear. Its new executive found it necessary to his convenience and personal safety to go over to the other side of Lake Michigan. Here, then, we find this ideal state of this modern doctrine, outside of the Union, independent of the general government, with a constitution, exercising its prerogatives and governing the territory, with a national administration and Congress practically in sympathy with their political party. It certainly had the elements of general support, and if this policy could succeed in any case, here the conditions were favorable. Now what do the courts say about it?

An appeal was taken to the Supreme Court of the state, in which was questioned the validity of a statute granting a corporate franchise to the Legislature when its admission as a state into the Union. It is the case of *Scott et al. vs. Detroit Young Men's Society lessee*, 2 Doug. 119. I will say as to this decision, that this court of necessity sustained the validity of the act and of the anomalous position assumed by the people of Michigan, and was forced, under the circumstances of the case, to hold a doctrine repudiated by every court, that at that time not only the state but the territorial government was in force—two sovereignties exercising the same jurisdiction in the same place and at the same time. Such a decision ought not and cannot serve as a precedent, when its decision has been overthrown by repeated decisions, and that by the highest court of the nation. And further, it ought not to be a precedent, when, upon the results of its decision, depended its own existence and integrity. The case was appealed from this court to the Supreme Court of the United States. It is reported as *Scott et al. vs. Jones*, 5 How. 343. That court held that in the case presented it had no jurisdiction, for the reason that to justify that court in passing upon the construction of a statute of a state:

"There must be an act of solemnity and importance, such as a statute, and that statute must be by a state, and not by a body claiming to be a state, but which is not a state, and is not enough for it to be an organized political body within the limits of the Union. . . .

It follows, then, that a statute, passed by a political body before its admission into the Union, seems either not to be one under the cognizance of the Union, or its judicial tribunal under the judiciary act."

It may be asserted that this decision is the decision of a divided court. That proposition I deny. The whole court arrives at the same conclusion as to the statute of the pretended state, though through different lines of reasoning. Let us see what Mr. Justice McLean says, and it would seem very pertinent, coming from the source it does:

"Michigan was an organized territory of the United States. Its governor, judges, and all other territorial officers were in the discharge of their various functions. The sovereignty of the Union extended to it. Under these circumstances, the people of Michigan assembled by delegates in convention, and adopted a constitution, and under it elected members of both branches of their Legislature, governor, and judges, and organized the state government. No serious objection may be made, in my judgment, to the assemblage of the people in convention to form a constitution, although it is the more regular and customary mode to proceed under the sanction of an act of Congress. But until the state shall be admitted into the Union by act of Congress the territorial government remains unimpaired. No act of the people of a territory, without the sanction of Congress, can change the territorial into a state government. The Constitution requires the assent of Congress for the admission of a state into the Union, and the United States guaranty to every state in the Union, a republican form of government, hence the necessity in admitting a state, for Congress to examine its constitution."

The act to incorporate the members of the Young Men's Society, was the exercise of sovereign power, a power totally repugnant to the sovereignty of the Union, in its territorial form. \* \* \* This act of incorporation was repugnant to the Constitution of the United States, under which the territorial government was organized. It was repugnant to the laws of Congress which formed that organization. It was an exercise of sovereignty incompatible with the sovereignty of the Union, in all its legal forms. \* \* \* The two sovereignties of the state and territorial governments cannot exist at the same time within the same limits. The territorial government exists in full vigor until it is abolished by the admission of the state."

I would cite the comments of Judge Jameson in his work on "Constitutional Conventions," section 209, wherein he clearly expresses himself in approval of the reasons given by Mr. Justice McLean in the opinions I have just quoted. It is as follows:

"The only observation I wish to make upon the case is that our Constitution knows no purgatorial condition, intermediate between that of a territory and that of a state. So long as a political organization is a territory, it is not in any sense or for any purpose, a state, and vice versa. Once a territory, always a territory, until a change is effected by an act of Congress. A territory may seize upon the reins of power and make of itself, de facto, a state, but when it does so it departs from the legal and regular courses, and enters upon the field of revolution."

And he further speaks, in discussing the case of Tennessee, section 182, that:

"If a territory were to proceed to establish a state government it would place itself outside the pale of the law, and invoke the methods and forces of revolution."

The same question as in the case of Scott et al. vs. Jones, supra, was passed upon by the Supreme Court of Ohio by a unanimous court in an opinion pronounced by one of its most able judges. This was upon the validity of another statute passed by the Legislature of Michigan before its admission. The cause was ably argued at the bar. Mr. Waite, afterward chief justice of the United States Supreme Court, asserted the doctrine which I now urge. The opinion of the court is a reiteration of the doctrine enunciated by the Supreme Court of the United States in the case of Scott v. Jones, supra, and states:

"That the views taken by that court are entirely unanswerable and we adopt them to the fullest extent."

And after embodying as a part of their opinion the views of Justice McLean, they conclude as follows:

"Satisfied as to the correctness of these positions and yielding obedience to the requirements of the Constitution of the United States, we hold that the Legislature of Michigan, assembled under the constitution afterward submitted to Congress, could not, on March 25, 1836, when the act in question was attempted to be passed, rightfully exercise any legislative power whatever."

The historic opinion of Judge Taney in the case of Dred Scott vs. Sanford, 19 How. 393, is cited as approving this doctrine. But it would seem to me that it is therein clearly enunciated, that the question is a political one and the admission of a state rests in the discretion of Congress. He says at page 447:

"The propriety of admitting a new state is committed to the sound discretion of Congress. The power to acquire territory for that purpose, to be held by the United States until it is in a suitable condition to become a state upon an equal footing with the other states, must rest upon the same discretion. It is a question for the political department of the Government and not for the judicial."

I quote without comment from Cooley's "Constitutional Limitations," edition of 1883, page 30.

"If the people of a territory shall of their own motion, without such enabling act, meet in convention, frame and adopt a constitution, and demand admission to the Union under it,



such action does not entitle them, as matter of right, to be recognized as a state, but the power that can admit can, also refuse, and the territorial status must be continued until Congress shall be satisfied to suffer the territory to become a state. There are always in these cases questions of policy as well as of constitutional law, to be determined by the Congress before admission becomes a matter of right,—Whether the constitution formed is republican; whether suitable and proper state boundaries have been fixed upon; whether the population is sufficient; whether the proper qualifications for the exercise of the elective franchise have been agreed to; whether any inveterate evil exists in the territory which is now subject to control, but which might be perpetuated under a state government. These and the like questions, in which the whole country is interested, cannot be finally solved by the people of the territory for themselves, but the final decision must rest with Congress, and the judgment must be favorable before admission can be claimed or expected."

I shall also quote further from Judge Cooley, in his recent work, "The History of Michigan," published in 1885. It has been extensively advertised that in this work he approves and sanctions this method and procedure. If so, his authority should have great weight, as he is one of the foremost of our constitutional writers. I shall quote fully so that there can be no misapprehension:

"It was very certain, however, that though Michigan might have a right to recognition as a state, the right was not so far absolute as that its observance could be impelled. Congress could admit or recognize a state as a member of the Union and admit its representatives to seats in the two Houses; and if it should refuse to do this, even in the plainest case of right, no means or methods of compelling it to take the proper action could possibly exist. Michigan, if a state in fact, was, therefore, a state out of the Union until it should please Congress to grant admission. But the condition of things in which a state was exercising powers of sovereignty within the limits of Federal jurisdiction, but not in the Union, was too anomalous for long continuance. \* \* \* The state officers, though supported by the people and in the undisputed possession of their offices, could not fail to realize the fact that acquiescence by the Federal authorities in the present condition of things would only be temporary, and that the time must come when there would be a conflict in which the state could scarcely fail to be overthrown. In short it was manifest that Congress was master of the situation, and that however clear might be the right of the state, it must sooner or later accept such terms as should be dictated to it. \* \* \* The state could not maintain its anomalous position, and for any wrong in its treatment only Congress could give redress. The courts, as the seceding states discovered in the reconstruction period, are powerless to control public political action, or to call it in question for any purpose."

The above statements are so clear, I pass them without comment.

Von Hoist in his most admirable and exhaustive "Constitutional History of the United States," in speaking of the course pursued by Michigan in the organization of the state government, characterizes it as being "thoroughly irregular" and in discussing the controversy in Congress over the admission of Missouri into the Union, he states that "as a territory she was exclusively under the control of Congress." As still further showing the views of this eminent writer upon this form of procedure, I quote: "A motion to defer the consideration of the bill for the admission of Missouri was made in the House of Representatives when S. H. H. the delegate of the territory objected that Missouri would, in this case, go in and organize a state government without waiting for any law from Congress. And this threat of the territorial delegate against the whole Union was punished as a piece of laughable insolence."

He also states in reference to the power given to Congress in the Constitution for the admission of new states: "This does not invest a duly chosen Congress with a right which it can use in accordance with its discretion."

This argument then, if I am right, leads us irresistibly to these conclusions:

1. That the act of the Dakota Legislative Assembly of 1889, authorizing the constitutional convention, the formation and adoption of a constitution by the people, the election of officers preparatory to its admission into the Union by Congress, was entirely illegal and in accordance with established precedents. That the only course to adopt, and to save vital what we had so far done, was Congress, and without that action we cannot be.

2. That the laws of Congress under the Constitution are supreme, and that no act of the people of a territory, without the sanction of Congress, can change the territorial into a state government.

3. That until the state is admitted into the Union by Congress, the territorial government remains territorial, and any assumption of sovereignty, such as such action by Congress is authorized and void as being in conflict with the Constitution and laws of the United States.

4. That an assumption of sovereignty by a state, by forming a government, and by the United States is recognized to the laws of Congress, which is a matter of political construction, and not of an international character, and is subject to the jurisdiction of the Congress of the United States.

5. That the territorial government that is now in operation is a mere administrative body, and the state into the Union by Congress, the state must be a member of the Union, and the laws of the state must be the laws of the state, and the laws of the state must be the laws of the state.

6. That the admission of a state into the Union is a matter of political construction, and is not a matter of judicial construction. It is in no sense judicial.

What then is the ultimate remedy? Certainly not in unusual or extravagant procedure. Not in ways over which the guide post of danger is erected and upon which is inscribed the Constitution and laws of our country, saying thou shall not enter here.

Follow in the way we are on. It is the right one. Hold fast to the things we have, and around that principle and that sentiment stand loyally to the end. It will triumph for it is right. I do not mean of course that we must of necessity stand by the Constitution already adopted, if it is thought another Convention and Constitution would be advisable. I only mean to be understood that as a line of action to be pursued, it is the correct one. By every proper method keep alive the sentiment in Dakota. But that sentiment is not to be fought here alone. We must transfer the forum of its activity to the great heart of the American people. And that heart must be reached so that it will feel our wrongs, and appreciate this monstrous outrage perpetrated upon this people without guise, color or excuse.

If we cannot move Congress the American people can. It has done so before and surely history will repeat itself. Can we afford to assume the responsibility of such a step? Would the friends in Congress we already have justify or sustain it, and can we in a personal sense afford to do it? The wrong, humiliation and suffering of the present are sufficient. Our present condition discourages the approach of capital or the upbuilding and developing of our wonderful resources. Values are insecure. Rates of interest high. Such a form of government is entirely unsuited to the wants and necessities of our people. A condition to which it was united, we have long ago outgrown.

But shall we surrender the present with all its defects, and enter with our eyes wide open into a condition of things upon which no order rests? Shall we resolve ourselves into chaos, without law, without order, without protection? Shall we imperil all property interests, undo all municipal organizations, and take our chances in this new order of things, with a Legislature without authority, with courts without jurisdiction, with an executive without power to command? In fact, a pretended organization that would be a fiction, a substance that would be a shadow, a pretence that would be anarchy. And in this attitude, would our appeal be any more potent, or our cause strengthened? On the contrary I would consider it very much the reverse.

If such an experiment were adopted, what in a practical way would be the possibility of its success? Are the present conditions here the same as they were in Michigan? Are we certain the people here believe in its expediency? Would they give adherence to the new order of things? Are Congress and the national administration now in political sympathy with the large majority of our people here, as they were there? No government can exist without revenue. Would the people sustain it with their money when no law justified its existence? And as soon as the payment was sought to be enforced, would it not be resisted, and would not an immediate conflict of jurisdiction ensue? Would the great corporations that now pay a large tribute into the treasury, then pay at all? Into what court would people go to litigate their rights? You answer it yourselves, without any suggesting. At present it certainly seems to me it would not be recognized or adhered to.

I deplore our position as deeply as any citizen of Dakota. But when I stand in the presence of the Constitution and laws of my country, I submit, until that injustice is so great that revolution would be the only remedy, and the end to be secured justifiable. See I know our present condition and treatment are un-American. It dwarfs the expansive power of citizenship, and stultifies manhood. Instead of promoting the growth of loyalty and patriotism to the Government, it kindles a feeling of resentment. But I would not give up. The times are ripe; a national canvass has just opened. The great parties have just formed their lines. The Dakota question was before both conventions. In the one it was embodied in their platform and the chiefest exponent of Dakota's rights in the Senate is its standard bearer.

It is today the question of all questions before the American people, save the tariff, and it ought to be the first. Let Dakotans go and tell with their own lips, this continuing and unpardonable outrage, in every close congressional district; and the American people, ever given to fair play, will hear her voice, and they will see to it that citizenship is made as dignified here as elsewhere. And that he who would deny us this, under such a government as ours, in this the Nineteenth Century, is unworthy the suffrages of a free people, or to sit in the Council Chambers of the Nation.

Judge Hugh J. Campbell, whose position regarding the right of the people to set up a state government without the sanction of Congress, was diametrically opposed to the views of Mr. Gamble, and had gained for him considerable reputation, had reason to think republicans ungrateful, for he had labored incessantly and intelligently to advance the cause of division and statehood, and never failed to produce abundant evidence sustaining the steps taken by the people to secure their rights, of which he had been a principal and the most zealous advocate. There were many friends of the cause who thought he did more, perhaps, than the exigency of the case required, or good judgment would approve, and in his most radical suggestions offended the judgment of senators who were doing what they could to promote the Dakota measures. It might have seemed to many that

a desire to display his capabilities through the gratification of a desire, prompted by the press, actuated him, as well as his patriotic desire to relieve the future south of the burdens of a weak, vacillating and corrupt government.

In his public addresses, Judge Campbell took very advanced ground on the subject of the pre-emptory power of the people of the territories over the territorial government. He claimed that the people of the territory could, through the Legislature, refuse to make any appropriations whatever, could repeal all laws concerning territorial revenue, could repeal all laws that gave to the United States courts the adjudication of territorial business, could change the constitution and jails, in short, could put the territorial government entirely without anything to do, or to do with, and in this way bring Congress to realize the determination of Dakota to compel that body to acknowledge its rights—its lawful claims to division and admission.

Herein it seems that the judge overlooked the decisions of the United States Supreme Court which had decided in the *Yazoo* case that Congress had such absolute control over the territories that it could legislate for them and did legislate for them by changing important provisions in the railroad bond bill, after it had been voted upon and ratified by the people, which changes the Supreme Court decided and confirmed. Congress also annulled the law of the Legislature regarding exemptions in the territory. It is therefore to be unquestioned that Congress could have recreated every law the territorial Legislature repealed or annulled, and might have abolished the territorial Legislature absolutely and taken the work of providing laws for the territory into its own hands.

There was no apprehension, however, that the conflict would reach such a crisis as to demand any test of the powers and authority of the people, and it would have been a better definition of these to have shown what the Supreme Court had already definitely decided in that direction.

It would seem that under the decision of the Supreme Court quoted, and the practice of Congress, though sometimes reluctantly, to legislate for the territory, and amend or annul the statutes of the territorial Legislature, that the people would have been helpless to obstruct the execution of the territorial laws, especially under such a radical one state governor as Clumb, or to stop the machinery of the territorial government, by any legislative action, even assuming that a Legislature could be elected that would be willing to go to such extremes, and there was little probability that such a Legislature could be elected.

#### HARRISON — HOME SEES FOR DAKOTA

After the nominations for President had been made, delegations of citizens from the various states journeyed from their homes to Indianapolis to pay their respects to Mr. Harrison, while Mr. Cleveland being President was obliged to have his residence at Washington, and received his friends at the White House. As these visits were of daily and frequently of hourly occurrence, and the presidential candidate was expected to make a courteous response to his visitors and improve the occasion to advocate the principles of his party, and occasionally give out a text for a thousand advocates scattered all over the Union to enlarge upon and impress upon the people, the nominee found every waking hour employed in doing the duties of host and speaking. It required an iron constitution to withstand the strain of such a campaign, and both Harrison and Cleveland were equal to the emergency. On one occasion during the last of July, a delegation numbering a thousand or more of Indian people called on General Harrison. They bore a number of banners variously inscribed with campaign mottoes, and the general selected a text for a portion of his address from one that spoke of the application of the territories of *Dakota* and *Washington* for statehood. He said:

There are several territories named only upon the map, whose boundaries have been filled with the very elect of our citizens—the brave, the enterprising, and the



intelligent young men from all the states. Many of the veterans of the late war have sought under our beneficent homestead law new homes in the West. Several of these territories have been for years possessed of population, wealth, and all the requisites for admission as states. When the Territory of Indiana took the census which was the basis of its petition for admission to the Union we had less than 64,000 people. We had only thirteen organized counties.

In the Territory of South Dakota there are nearly a half million people. For years they have been knocking for admission to the sisterhood of states. They are possessed of all the elements of an organized and stable community. It has more people, more miles of railway, more postoffices, more churches, more banks, more wealth, than any territory ever possessed when it was admitted to the Union. It surpasses some of the states in these particulars. Four years ago, when a President was to be chosen, the Committee on Territories in the Senate, to meet the objections of our democratic friends that the admission of Dakota would be a disturbing element in the electoral college, provided in the Dakota bill that its organization should be postponed until after the election. Now four years have rolled around, and our people are again to take part in a presidential election, and the intelligent and patriotic people of Dakota are again to be deprived of any participation. I ask you why this is so? Is not the answer obvious? They are disfranchised and deprived of their appropriate influence in the electoral college only because the prevailing sentiment in the territory is republican. The case of Washington Territory is more recent but not more flagrant. If we appropriately express sympathy with the cause of Irish home rule shall we not also demand home rule for Dakota and Washington and insist that their disfranchisement shall not be prolonged? There is a sense of justice, of fairness, that will assert itself against these attempts to coin party advantage out of public wrong. The day when men can be disfranchised or shorn of their political power for opinion's sake must have an end in our country.

#### DAKOTA IN THE NATIONAL PLATFORM

The national republican platform contained the following reference to Dakota and the territories on the question of statehood:

Resolved, That South Dakota should of right be immediately admitted as a state into the Union, under the constitution framed and adopted by her people, and we heartily endorse the action of the republican Senate in twice reporting bills for her admission. And the refusing of the democratic house, for partisan purposes, to favorably consider these bills is a wilful violation of the sacred American principle of local self-government, and merits the condemnation of all just men.

Resolved, That the pending bills in the Senate for acts to enable the people of North Dakota, Montana and Washington territories to form constitutions and establish state governments should be passed without unnecessary delay, and a similar equitable bill should be passed to enable the people of the Territory of New Mexico to form a constitution and state government.

Resolved, That government by Congress of the territories is based upon necessities only to the end that they may become states in the Union. Therefore, when the conditions of population, material resource, public intelligence and morality are such as to insure a stable local government therein, the people of such territories should be permitted, as a right inherent in them, to form for themselves constitutions and state governments, and be admitted into the Union, and pending this preparation for statehood, all officers thereof should be selected from the bona fide residents and citizens of the territory wherein they are to serve.

It will be observed that the final resolutions declare for the principle Dakota had for years been contending for, that statehood for a territory was a right which the people were justified in demanding and receiving, and not a privilege to be granted or withheld at the discretion of Congress, always providing the territory came with the necessary qualifications of population, resources, and a constitution republican in form.

Senator Edmunds, of Vermont, in his speech in the celebrated debate on the Dakota bill in 1886, declared that it was the duty of the people of a territory to form a state government and come into the Union as soon as their qualifications would warrant; that the territorial government was designed for a probationary term only until the people thereof were qualified by numbers and intelligence and resources to enter the Union as a state.

The resolutions above noticed were prepared by the delegates representing the territories, and South Dakota represented by Colonel Moody and others, had a hand in their preparation. It was the first case where a national conven-

tion had detained the right, and it was to be regretted that it came so late that almost no territories remained to take advantage of it.

#### A WELL-TIMED STATEMENT FROM THE NEW YORK INDEPENDENT

One of the most influential non-partisan publications in the United States, the New York Independent, took occasion to speak quite plainly to its many thousands of readers on the political situation in the Territory of Dakota just before the presidential election of 1888.

There was a sagacious partisan design in the article, aside from the general statement made regarding the territory. A national election would occur in thirty days (the article appeared early in October) for congressmen in nearly all the states, and for presidential electors, and tens of thousands of voters in New York and nearly every other state read the Independent and placed considerable confidence in its statements and were influenced by it. It had no little patronage among Dakotans. The result of the election, a close one for Congress, where the republican majority was only four, indicates that a favorable word spoken in the nick of time may save the state. It was evident that the mind of the writer was upon the national canvass more than on the territory at the time, and the purpose was to furnish an unanswerable argument in favor of Dakota's admission into the Union and to persuade the people to so cast their votes at the national election as to assist in securing to the territory her constitutional rights. In so voting the voter in the states would be influenced to vote for the republican candidates for President and vice president and for a republican House of Representatives. It is probable that such well-timed articles on the Dakota situation aided materially in the republican victory in November. The Independent article follows:

The great political contest to be fought out within the next thirty days is of supreme importance to the people of Dakota, not because of the tariff issue, though they are deeply concerned in the maintenance of the principle of protection, but because it means either the dominance of a party pledged to keep Dakota in swaddling clothes for four years more—or the dominance of a party which will admit two powerful states into the Union, where they belong by birth, age and suitable preparation.

1. Dakota is qualified to enter the Union as two states by reason of population. A line drawn through the territory east and west, along the 46th parallel of latitude, would make two states almost equal in area, each of them larger than Missouri; the southern state with an actual population of 300,000, the northern with a population of 250,000. These people are qualified to govern themselves as states by reason of their intelligence. There is less illiteracy in Dakota than in any New England state. Dakota spent \$100,000 more in 1887 for public school than did Connecticut. The northern and southern prospective states are already furnished, each, with a state university, agricultural, home normal schools, and institutions for the care of the insane and the deaf and dumb. There are as many newspapers in Dakota as in Maine, Connecticut and Rhode Island combined. There are nearly two hundred Congregational churches, as many Presbyterian, and an equal number of Methodist churches, and other denominations, all the needed civic agencies in that territory. Surely such a people as school and churches are a help to govern themselves. They ought to be admitted to the Union as equal with their more civilized neighbors. One-seventh of the entire wheat crop of the United States is raised in Dakota. Twenty states, including New York, yield less corn than Dakota. Silver and gold worth \$4,000,000 have been dug out of her mines. Forty-three million dollars' worth of live stock are fattened upon her native grasses. Every thousand acres of land makes a million of cattle and horses, but prairies, New York City and Boston were built on cleared land, and so did New York, but at least a population as Fargo, in North Dakota, or Sioux Falls, in South Dakota.

2. But this reputation has been suffered this territory to defend this valuable property accumulated in such a system of government as has been thus that almost which the colonies rebelled. The government is organized without regard to the wishes of the people by the President at Washington. The independent committee, public law, statute, power. The Legislature is left for the people to appoint, but it often is not and is not by the government to do this well because of the immense cost of the process. Today in Dakota the governor can dismiss every officer in every public institution from the postmaster to the normal school, and put his own friends in their important places, and in some instances has done this very thing, while the people are taxed to support them. In national affairs this imperial realm has no delegate in the lower house, who is allowed to speak on territorial

matters, so that in fact Dakota has as much to say about the great national policies that affect her equally with other states as has the Kingdom of Portugal.

This territorial system deprives Dakota of the use of her millions of acres of school lands, which cannot be used before statehood, thus crushing her down with the weight of school taxes. This territorial system prevents the investment of much capital that would otherwise enter this region, as capital is timorous, and will not so readily go where there is as yet no permanent government. As a result, rates of interest are enormous, and if free trade diminishes wages east, territorial government keeps the Dakota farmer a slave to the money lender.

At enormous cost and sacrifice the pioneers of this goodly land have made it what it is, and they have a right to demand that the American people give them the privilege of self-government and statehood. They have asked for and been ready for it these six years, and by a large majority a year ago voted that they desired division and immediate admission. The democratic party, with its hand at the throat of Dakota, says it shall not thus be admitted. The prohibition party has not even heard the cry, or has paid no attention when it did hear, though its platform embodies much sympathy for the wrongs of far-away people. The republican party alone has thought of Dakota, and championed its cause. Through it alone can Dakota hope for liberty. Therefore its people, aside from the democratic garrison of office-holders and office-seekers, are republicans.

The result of the national election assured the early admission of the Dakotas into the Union, though the republican majority in the House of Representatives was seen to be dangerously close to the vanishing point.

The republicans of the nation had espoused Dakota's cause, and made the most of it in their platform speeches during the campaign. They had been aided in their doubtful congressional districts by Dakota speakers, among whom were Colonel Plummer, of Jamestown, Judge Moody, of Deadwood, Judge Edgerton, of Mitchell, H. J. Campbell, of Yankton, Governor Mellette, of Watertown, Hon. J. G. Kleiner, of Pierre, Congressman Gifford and Mathews, ex-Governor Pierce, and others. Dakota's division and admission was their theme, and it proved a more entertaining subject to the eastern voters than even the tariff—it was compared to the demand for "home rule" in Ireland, for which millions of Americans felt a sincere sympathy.

#### INTERVIEW WITH HARRISON AND MCKINLEY

Within a fortnight after the election and as soon as it was definitely settled that the republicans would control the next administration, executive and legislative, Judge G. C. Moody and Governor-elect Mellette visited President Harrison at Indianapolis. Both had been acquainted with the general before, and Mellette enjoyed his friendship. They were anxious to ascertain the mind of the President-elect as to calling an extra session of Congress following his inauguration in March, 1889, for the purpose of admitting the Dakotas into the Union. The visit was made not in a representative capacity, but as friends desirous of expressing congratulations and to obtain such information as they could on the matter then of the first importance to them, one of whom had been elected governor of the new state that was to be, and the other United States senator. General Harrison was extremely cordial—gratified that Dakota would soon be "out of the woods," but without giving any intimation about an extra session, the interview closed. An extra session, however, was most confidently predicted. One would have supposed from the emphatic declarations made in the newspapers and by the well informed people that the election had been held and Harrison and a republican Congress elected for the sole purpose of having an extra session of Congress in order that the Dakotas might be admitted, her senators and congressmen seated, that the Government might pursue the even "tenor of its way," and give its attention to many other matters, possibly of less importance. No one ever suggested that events might so shape themselves during the few weeks of the short term of the Congress then in session, that an extra session to provide for Dakota's admission would be unnecessary.

The question of a new constitution for the State of South Dakota was briefly discussed by the Dakota gentlemen with the President-elect. The sentiment in



South Dakota seemed to favor the adoption of the constitution framed at Sioux Falls in 1888, and ~~which adopted and ratified by a vote of the people.~~ The President-elect made no suggestions looking to any changes in the constitution of South Dakota, but stated that he thought it would be better to hold a new election for state officers.

Hon. William McKinley, of Ohio, was a member of the House of Representatives and had been reelected a member of the next. His views on the outlook for an extra session were sought, and he appeared to have given the subject serious consideration, for he stated that "nothing could justify calling Congress together but the urgency of legislation of some national and serious character." It was suggested to him that such a justifiable reason might be found in the admission of four new states that had been kept out of the Union for years after they were prepared for statehood. McKinley replied:

No, sir, that will not do. The admission of those territories is too narrow an issue to justify an extra session. They can frame their constitutions in the summer and be admitted in the fall. I cannot think it would be proper to summon Congress in extraordinary session merely to hasten their admission by a few months. Much as I desire to see that object accomplished, public opinion would not approve it. The republicans would be accused of imposing an extra session upon the country, simply to gain a party advantage to increase a party majority in Congress. The issue is too narrow, too local, too partisan. It would give the democrats a pretext for filibustering to obstruct legislation. There is a larger, broader, more patriotic issue close at hand in the urgent need for the reduction of taxation to dispose of the surplus annually increasing in the treasury. There is no party advantage to be gained by it except that of serving the whole country well. I do not know that an extra session will be called. I do not know that there has been any consultation on the subject. But if Congress is called together in the spring I hope it will be on the ground and for the purpose indicated to reduce the surplus, and to meet the burden of taxation in the well-known line of republican policy. When that is done Congress may probably address itself to the question of the admission of new states.

#### CONGRESS AFTER ELECTION

At the opening of the second session of the Fiftieth Congress, December 3, 1888, Mr. William Springer, chairman of the House Committee on Territories, made a brief statement regarding the action contemplated for the admission of certain territories into the Union, which statement is here appended:

We are going to try very hard to pass a bill admitting to the Union the territories of Washington, Montana, Dakota and New Mexico, and we shall certainly pass the Oklahoma bill at once. The next House will undoubtedly be republican by a small majority, and I suppose the republicans of both the House and the Senate could have no difficulty in strengthening that majority. The territories would be able to frame their constitutions and representatives to the fifty-first Congress. Montana, Washington and Dakota are ready. The Senate may insist upon the admission of Dakota and such action would probably take matters for a while. I am in favor of any reasonable compromise. I am, and have been, in favor of the admission of these four territories as a broader ground than that of politics. I sincerely hope that we shall be able to pass an enabling act during this third session.

Springer said he had pledges from the committee having charge of business of higher privilege that they will not antagonize him. He is convinced that the coast is clear and that the territories will have their long sought hearing. He is satisfied that his omnibus bill is as perfect as he can make it, and is ready for a vote. The other people were ready too. Mr. Gilford with his amendments to the Senate bill, Mr. Cox with his amendments to the omnibus bill, Mr. McDonald, of Minnesota, with a general statement of amendments, consolidation and compromise.

Mr. Springer had been leading a fight as long as a piece of his soap for statehood for Dakota as one state, with New Mexico, Montana and Washington or Wyoming, or Idaho, that "Springer bill" had become synonymous with Dakota

bill," and he was doubtless anxious to have his name coupled in an honorable way with whatever measure should finally be enacted for Dakota's statehood.

The delegates from the territories, Dakota, by Gifford, Toole, of Montana, and Voorhees, of Washington, had concluded to push statehood matters for their territories, being encouraged thereto by democrats in Congress. Toole and Voorhees were both democrats, and many of the democratic congressmen expressed themselves in favor of Toole's plan which was to admit Dakota as two states, Montana and Washington.

The legislative situation in Congress at this time was something like this—Springer's four-state omnibus bill of last session pending in the House; the Platt bill (Senate bill), to admit South and organize North Dakota as a territory, passed by the Senate and pending in the House; enabling acts for Washington, Montana and North Dakota pending in the Senate. As viewed in Washington by those well posted, the only bill that had any chance of success at this session was Springer's four-state bill with the Platt bill as an amendment, and this, with important modifications, was the measure that finally passed.

#### SPRINGER'S JOINT OMNIBUS BILL IN CAUCUS

Mr. Springer's position, however, remained firm that he would not consent to the passage of single bills for the admission of the territories. He insisted that the Territory of New Mexico had just as many claims for admission as a state as Dakota, or Washington, or Montana, and should be treated like them, even if it does usually give a democratic majority. On the other hand, Senator Manderson, who had charge of territorial matters in the Senate, said that he was willing to agree to the omnibus bill admitting North and South Dakota, Montana and Washington, but he would not agree to admit New Mexico until after the census of 1890 had determined its population to be sufficiently large to justify it.

December 11th, the first democratic House caucus was held and was entirely devoted to the admission to the Union of the territories. Hon. S. S. Cox, of Ohio, here advocated the admission of all the territories except Utah and New Mexico. He said the democratic party might as well gain the good will of the people of the territories as their ill will. The people of Dakota preferred division on the 7th standard parallel almost unanimously, and he was of the opinion that their desires should be listened to. Washington, Montana and Idaho should be given enabling acts at once. The great Territory of Dakota should be divided, and the democrats should secure the prestige which would certainly come to them from the favorable action of their caucus. They had lost Minnesota at the last election because they had failed to admit Dakota, which was on the same isothermal line. After much discussion, Cox evidently being in the minority, and without taking a vote on the resolutions presented, the caucus adjourned for two days.

When the caucus reassembled there were about sixty members present, including Speaker Carlisle. It remained in session three hours. Mr. Cox appeared as the champion of Dakota, but the majority were probably against him, owing to his decided stand in opposition to New Mexico and Utah. Finally the caucus agreed upon the following resolution:

Resolved, That in the judgment of this caucus provision should be made by which Dakota may be admitted into the Union, as one state or two states, as the people of the two proposed states may hereafter determine. Also that the necessary legislation ought to be provided for the early admission into the Union of the territories of Washington, Montana and New Mexico. That these measures should all be embodied in one bill, either by an amendment to the pending bill or otherwise, as to details, as the Committee on Territories shall determine; and that an order of the House for the consideration of the measure should be made at an early day, and the bill considered in the House at the earliest day practicable.

The caucus then adjourned.

SPRINGER, OF ILLINOIS, BEFORE THE HOUSE.

The menace of an extra session of Congress following President Harrison's inauguration worked in the interest of all the territories that were in line for statehood, the democrats being quite strongly opposed to it because it would facilitate the admission of the territories it would be viewed by the public as a rebuke and a reflection upon the negligence and profligacy of the democratic party, which for selfish partisan reasons, by denying the territories their lawful rights, had made an extra session indispensably necessary. At the same time, in the inner councils of the republican leaders, it had been tentatively determined that it would not be judicious to have an extra session. The admission of the territories was not considered a sufficient reason for convening Congress in extraordinary session. This view of the matter, however, was not known generally, and even the most ardent and presumably the best informed of the Dakota leaders were foremost in maintaining their candidacy in an extra session.

Mr. Springer exhibited some symptoms of pulling in the pressure of Representatives Cox and McDonald, of his party, who were firmly for two states and immediate admission of South Dakota, though both loyal to the democratic caucus decision. That Mr. Springer's views had undergone some modification is evident from the following declaration made by him about January 1, 1889:

We shall meet upon the 15th of January, and the territorial bill comes before us upon the 15th of January, and shall allow nothing to step in and set them aside. I shall substitute the house omnibus bill for the South Dakota bill, and will read it to the house. Now I shall have the solid vote of the majority at my back. The caucus settled that question, and even Mr. Cox and Judge McDonald, who favored an immediate division of Dakota, will vote with us.

I am still as thoroughly opposed to the division of Dakota as ever, and for the same reasons I have always presented. But I stand ready to allow Dakota to vote on this question again, and if she then decides she wants division, my bill is so arranged that she can divide and come in as two states. I am not in this true to my own state, for Illinois, with four million of people, has but two senators, while we are willing to promote harmony among Dakotans by allowing 600,000 people four senators. But we cannot allow this division to be made on the last vote taken on this question in Dakota, for the north half voted by 10,000 against division. Of course, South Dakota voted by 14,000 majority for division, but we could not admit that South Dakota should settle this question against the desires of the north. So I have insisted that Dakota should again vote upon this question, and, if division is carried, she can divide her assets between the north and south and set up two state governments.

Regarding the Sioux Falls constitution of 1885, Mr. Springer said:

It had been submitted to the people and ratified by a vote of 25,000 to 6,000. The total vote had been only 31,000, while at that time there had been 65,000 voters in the territory. In view of the smallness of the vote, he insisted, justice to the people of Dakota required that a new convention should be held. He called attention to the various provisions of the constitution which he considered bore the marks of having been formulated hastily. He criticized the clause that all the existing archives, records and books belonging to the Territory of Dakota should belong to the State of South Dakota. Under that clause the secretary of state of the new state was authorized to go to the capital of Dakota and denude it of every scrap of paper and every book belonging to the territory.

Representative Cox, of New York, followed Springer, and favored the omnibus bill, with some amendments. His speech was addressed to the general subject of the making of two states, and was warmly applauded. He was a democrat, but he was quite friendly to the admission of Dakota and found it necessary to oppose the hasty proceedings of Mr. Springer. His remarks were "S. S." and he was popularly known as "Smart Sam," and was quite a popular orator, and Dakotans will be interested in knowing the contents of the entire speech, but quotations of the portions that will furnish a fair idea of the whole. He said:



Dakota in length and breadth, in population, in area, in wealth, and in progress, stands unexampled in the annals of mankind for material, political, and, I may say, intellectual and spiritual advancement.

It is impossible, Mr. Speaker, to resist the demand of such a state even when divided. You cannot chain this Prometheus to a rock. Its organism—counties, towns and cities, governed just now as Indians are governed, by a remote department in this city, cannot afford to wait upon a Congress whose recreations are filibustering and whose best business habits are the ridicule of the nation. Why should such a country so rich, and prosperous, and intelligent, be governed differently from Georgia, or Massachusetts, Illinois or New York? You cannot keep such a people down. Your territorial organization and your 200 federal officers chosen outside; your governor with his little bric-a-brac authority exacting every dollar spent of the people's money should pass through his palm, is an alien system. Our fathers would have none of it in the Revolution, and our countrymen were prompt to be rid of it after the Civil war.

Refuse to admit this state and its territorial sisters? Why, sir, you may enact that frost shall cease in the North, and blooms in the South, or try to fix the figure of Proteus by statute, but you cannot prevent the people of this territory from their demand, and you must accede to it. And if this Congress does not, we know the next Congress will.

The spirit of the people of the Northwest is that of unbounded push and energy. These are the men who have tunneled our mountains, who have delved our mines, who have bridged our rivers, who have brought every part of our empire within the reach of foreign and home markets, who have made possible our grand growth and splendid development. They are the men who have made our national life. There is no parallel in history to their achievements. You cannot hold them as captive to the federal system. You must give them self-reliant statehood. We should be mindful of those laws which bring to the front those states upon our border whose destiny will be our own. I will not say that all the hardy sons of New England, New York, and the other middle and eastern states, have emigrated to the West and followed the isothermal line who make up the million of men who now ask under this bill for statehood. But such an emigration of men who can grapple with the hardships of pioneer life does drain the best element of our older states.

The emigration from the eastern states does constitute the nerve, the sinew, the muscle, and the mind which penetrates the wilderness and builds up the commonwealth. It is the unaided energy which has made a million of men stand in intelligent masses and asked of the Federal Government participation in its blessings and its glories. The pioneer reckes not of the past. He works in the living present. All the energies of his nature are aroused by the splendid prospect and by the glowing inspiration of budding commonwealths. Government itself is but an incident in the march of civilization. No figures of speech, no flights of imagination can picture or compass the achievements of this state making and man-ennobling advancement. Like the eagle, to which our nation is often compared, he seeks a wider ether for his wings, and the fire within his heart seeks the source of all illumination—the sun itself.

How much nobler and wiser is the effort to install and institute such states in our own land, rather than chase the "igneus fatuus" of Canadian annexation. There will be time for that when our nebulous territories put off their rudimentary, and don their stately stoles of independence.

All this time in the world's history, when the overgrown nations of Europe are seeking fresh colonial dependencies, when the centers of Asia and Africa and the coasts and islands of every sea are scrutinized as homes for immigration, is it not ennobling to contemplate the quiet, yet immense, expansion of our own numbers, and our realm within our own boundaries during the past hundred years, and to feel that glowing pride over the prediction of what our country shall be when another century comes around.

This energetic and hopeful people have in their veins the vigorous blood of many races. They have inherited the material, intellectual, and moral triumphs of the Old and New World and their civilization. They have settled upon soil which has no rival in richness and no peer in production. Their faith in their future is buoyant. No perplexity about their fortune, no weariness in their work, no despondency in their hope, but exulting ever in their strength, these millions move on to fill up our territory from sea to sea, from Canada to the gulf, and from north to south. Restless, active, and yet ready, their movements are like those of the heavenly bodies, and shining like them they move in orbits of their own, and are as fixed in our heavens as the stars.

Delegate Gifford followed Mr. Cox. His speech was a reply to Mr. Springer. The people of Dakota, he said, wanted no further vote upon the question of "division." The people were also satisfied with the Sioux Falls constitution, which he proved was a better organic law than was likely to be produced under the proscriptions and limitations of this omnibus bill. Gifford's speech was closely followed by members who were seeking information on the subject, and it made a favorable impression. There were five set speeches made, and without reaching a vote, the House adjourned at 5 o'clock, and resumed considera-

tion of the measure the next day, and after much debate the motion of Mr. Springer, striking out all after the enacting clause of the omnibus bill No. 184, and substituting House bill No. 840, the omnibus bill was agreed to by a vote of 133 to 120.

During these proceedings, on the 17th, an amendment to the bill was adopted, providing that all lands sold for common school purposes should not be sold for less than \$10 an acre.

The House finished consideration of the bill on the 17th, when the amended Senate bill was placed on its final passage—the first omnibus bill in fact—and was passed by a vote of 144 to 98.

The question then being on agreeing to the title of the bill, Representative Grosvenor, of Ohio, suggested that the title should read:

"A bill to try to convince the people of Dakota that the democratic party is willing that Dakota should come into the Union, but in fact intends to keep that territory and all others that have a republican majority out of the Union for an indefinite period of time." During the last session of Congress the gentleman from Illinois and those who acted with him, had refused to consider a bill for the admission of Dakota. "For they had said:—It had been the voice of a magnificently popular uprising in the Northwest. It had said in thunder tones that the democratic party was not fit to rule the country. The people of the Northwest had called for bread and the democratic party had given them a stone. There was nothing new in the bill but delay. Its purpose was delay and to defraud the people out of their rights."

Mr. Springer's motion was then agreed to.

The bill was then transmitted to the Senate and its concurrence in the House amendments respectfully requested. The Senate declined to concur, and instead referred the bill to its territorial committee, which did not get together until about the 1st of February, but enough had been learned from the individual expressions of its members to show that the omnibus bill would have to be largely modified before the Senate would agree to it. The chairman, Senator Platt, was quite outspoken in opposition, and Senator Manderson, of Nebraska, who was warmly interested in Dakota's success, was equally hostile to Mr. Springer's measure.

Hon. R. F. Pettigrew, of Sioux Falls, who had been engaged with other Dakotans in promoting admission at Washington, stated that he would prefer to see no action taken by Congress at its present session than to have the omnibus bill pass as it came from the House, and further, he stated that unless it is amended so as to make it certain that there will be two states, Senator Platt, the Senate chairman, would not report it, in which case it will die in the hands of the Senate committee. It was Mr. Pettigrew's opinion that Springer's ambition to be looked upon as the father of the measure making five additional states would lead him to accept much more in the way of amendments than was originally expected of him.

## CHAPTER CXIII

### CONGRESS PASSES OMNIBUS BILL—STATEHOOD ASSURED

1889

PASSING THE OMNIBUS BILL—DAKOTANS INTENSELY INTERESTED—TEXT OF THE ENABLING ACT—ELECTRICAL EFFECT OF NEW OMNIBUS BILL—EVERYBODY FOR TWO STATES—A GRAND DEMOCRATIC MOVEMENT—DEMOCRATS MEMORIALIZE CONGRESS FOR DIVISION AND ADMISSION—TERRITORIAL FARMERS' ALLIANCE HOLDS FAREWELL MEETING—NAMES OF MEMBERS—ALLIANCE OF NORTH DAKOTA—INFORMAL STATE CONVENTION IN NORTH DAKOTA—JUDGE TRIPP VISITS WASHINGTON—PASSING THE OMNIBUS BILL—AN IMPORTANT MEETING OF THE FARMERS' ALLIANCE WITH CAMPBELL.

#### EVERYBODY FOR TWO STATES

When it became an acknowledged fact that the country had actually gone republican, and that party would have possession not only of the presidency but of Congress also, the one-state advocates in Dakota lost no time in coming to the conclusion to abandon their one-state position and join in the movement for two states, and the celerity which marked their transition justified the suspicion that they had been warned from Washington, probably by Mr. Springer himself, to "get from under, for something was liable to drop." Governor Church had already subscribed to the North Dakota movement for a constitutional convention, and during the first week in December a party of distinguished democratic leaders, led by James W. Harden, now of Woonsocket and late candidate for Congress on the democratic ticket, with Maj. P. F. McClure, commissioner of immigration, Surveyor Gen. Maris Taylor, Col. E. W. Miller, receiver of the Huron land office, and L. O. Jeffries, of Highmore, were making a tour of the territory in the interest of the general welfare, and advocating the passage of the Platt bill by Congress, which provided for South Dakota's admission, and a territorial government for the north. The bill had already passed the Senate. The party visited the Yankton Insane Hospital and conferred with the board of trustees which was then suffering the pangs of remorse from the recent grievous accident. The party made no secret of the object of their mission—which was to consult with the democrats of the various counties and arrange a concerted democratic movement which would move Mr. Springer to agree upon giving Dakota division, and the southern half statehood during this short session.

Mr. Springer had already reached the conclusion that something of that kind would have to be done, and he would feel much encouraged and happier if he knew he was acting according to the earnest desires of the people of Dakota regardless of party predilections. Mr. Harden was said to have been in the best of humor, and as a salve for his defeat for Congress he had been appointed by the governor adjutant-general of the territory.

#### DEMOCRATIC CONVENTION CALLED

The object of the visit of these gentlemen, all prominent democrats, to Yankton at this time, was revealed two or three days later, when a gathering of promi-



nent democratic citizens from various parts of the territory took place at the office of Chief Justice Tripp in Yankton, for the purpose of arranging concerted action among the democrats throughout South Dakota in behalf of the admission of the State of South Dakota under the Platt bill. Besides many head democrats, there were present Col. E. W. Miller, register of the Yankton land office, Surveyor General Taylor of Huron, Gen. J. W. Harden, *mayor* of Woonsocket, Commissioner of Immigration McClure of Pierre, and E. C. Jeffries, of Highmore. Judge Tripp was also present. An organization was had by the election of Colonel Miller as chairman and General Harden as secretary.

It was finally agreed to issue a call for a delegate convention of democrats to be held at Mitchell, December 20th, and P. D. McClure, of Pierre, Gen. Maris Taylor of Huron, E. M. Zeibach, Hughes East and J. T. Sargent, of Yankton, were appointed a committee to formulate such call. The committee acted promptly and the following call was prepared and adopted by the meeting, to-wit:

**Statehood Convention**—At a meeting of democrats representing different sections of South Dakota, held in the City of Yankton December 8, 1888, it was resolved that a call be addressed to the members of the democratic party of South Dakota, requesting that each county of the territory south of the 7th standard parallel survey thereunto be invited to attend a convention to be held for the purpose of discussing and taking action upon the question of the immediate admission of the State of South Dakota.

In pursuance thereof, a convention is called to meet in the City of Mitchell, on the 20th day of December, 1888, at 2 o'clock P. M. and it is urged that the democrats of the territory entitled to representation will take the necessary steps to be represented in said convention.

J. W. HARDEN, Secretary.

J. W. Miller, President.

The call was immediately issued in circular form and also published in the newspapers.

The main purpose of the Mitchell convention was to give assurance to the democratic congressmen that the democratic party of the territory were not opposed to either division or admission, but had been identified with division from the earliest day. This could be done and sustained by the record, notwithstanding the very recent efforts of a few persons, very recently identified with the territory as citizens, to betray the record and place the democracy of the territory in the attitude of opponents. The attendance at the convention was made up of Southern Dakotans and was representative of nearly all sections. Chief Justice Tripp and Judge Spencer of the Huron District represented the judiciary. E. M. Zeibach, register of the Yankton land office, E. W. Miller, register of the Aberdeen land office, were prominent citizens in attendance.

After some discussion as to the best course to pursue to aid the division movement, the following memorial, prepared by a committee, was unanimously adopted:

To the Congress of the United States:

Your memorialists, the citizens of South Dakota in affiliation with the democratic party, duly assembled in convention at Mitchell, this 20th day of December, 1888, hereby request, urge and solicit at the hands of your honorable body the division of the Territory of Dakota upon the 7th standard parallel of surveys thereof, and the immediate admission into the union of states of that portion of said territory lying south of said parallel of surveys.

We desire most respectfully to represent that the division of the Territory of Dakota, by an east and west line, has for many years been desired and expected by its citizens. That the Congress of the United States has been memorialized to that end, but without avail, by sixteen successive legislative assemblies. That in view of such expectancy the penal, charitable and educational institutions of the territory have been duplicated in the North and in the South. That religious sects have in like manner established northern and southern conferences, and that anticipating division throughout all these years intervening since the first settlement of the territory, all hope has been guided and all interests bidden to that end.

We desire further to represent, that either section of the divided territory would be exceeded in size by but eight of the thirty-eight states in the Union, the smaller portion comprising 74,000 square miles, or more than twenty thousand square miles in excess of the

mean average of all existing states. That the southern half, for which admission is now requested, contains within a restricted compass doubtless the most prolific mineral section within the national boundaries, producing gold, silver, copper, iron, galena, tin, nickel, graphite, mica, gypsum, coal, antimony, asbestos, cobalt, salt and oil, while the larger area of prairie, remarkably productive in soil and almost entirely cultivable, by reason of the absence of hills, mountains, swamps and other obstructions to profitable agriculture, constitutes a fair country upon which may safely be predicted for the future an unusual density of population. That the people of South Dakota now number 375,000, and that thus equipped their rights, interests and future welfare will be enhanced, their sense of patriotism exalted, full citizenship realized, and the fundamental right of local self-government guaranteed by a speedy admission into the sisterhood of states.

We desire further and finally to represent, that a constitution for the proposed State of South Dakota, framed in 1885, under the authority of the Territorial Legislature, by a constitutional convention non-partisan in character, and subsequently adopted by the people at a popular election, is deemed by your memorialists a wise, safe and conservative charter of government, and that in its limitation of the public debt, its restriction in official salaries, and rigidity of official requirements, it is in a fair degree favorable and commendable to democratic policy.

We therefore respectfully ask that your honorable body adopt some measure which shall accomplish the division of the territory on the 7th standard parallel, and the admission of the south half into the Union during the present session of Congress.

A committee consisting of James S. Foster, of Mitchell, Capt. Frank M. Zeibach, Judge Bartlett Tripp, Hon. E. W. Miller, of Elk Point, Judge Spencer, of Huron, and J. A. Ward, of Sioux Falls was selected to bear the memorial to Washington and present it to the presiding officers of the House and the Senate. Alternates for the above committee were also chosen, consisting of H. F. Fellows, of Plankinton, S. A. Ramsey, of Woonsocket, I. J. Eales, of Gettysburg, and George Beckett, of Huron.

The convention then adjourned.

This memorial, in its facility of expression, its completeness in covering all the important and strong points of Dakota's claim for division and statehood, was regarded as one of the best that had been produced by any Dakota convention. It unquestionably had an influence upon Congress and was a strong factor in the favorable proceedings of that body during the pending session.

Chief Justice Tripp presided at the convention and delegates were present from the counties of Sanborn, Sully, Faulk, Jerauld, Potter, Hughes, Moody, Yankton, Turner, Hyde, Aurora, Davison, Buffalo, Beadle, Minnehaha, Brookings, Hanson, Spink, Union, Brule and McCook.

There were forty-nine organized counties in the south, and twenty-one were represented.

An incident of the convention which was characteristic of public assemblies at the time was an effort to make it a factor in the capital fight. Huron was now the temporary capital under the Sioux Falls constitution, and was anxious to retain it, and not take her chances of another election for the temporary location. Her delegates led by Mr. Miller, endeavored to secure some agreement in the memorial that would make it unnecessary to hold another election on that question, though it was apparent that the question of minority representation and prohibition as well as the 1885 constitution would be resubmitted. The decision of the convention firmly set aside the whole matter as irrelevant to the purpose of the convention, and instructed its delegates to work for the promotion of division and statehood and refuse to consider local questions.

The convention appointed the following delegates to go to Washington and present their memorial to Congress and the President, and to labor for the success of the recommendations made by the convention, to-wit: Chief Justice Tripp, Judge Spencer, Hon. Frank M. Zeibach, Territorial Auditor James A. Ward, Hon. Ezra Miller, register of the Huron land office, and Hon. James S. Foster, of Mitchell. Alternates selected were H. F. Fellows, of Plankinton, Hon. S. A. Ramsey, of Woonsocket, I. J. Eales, of Gettysburg, with George Beckett, of Huron, secretary.

## STATE OF INTERIM CONVENTION IN NORTH DAKOTA

The election of General Harrison for President and a republican House was interpreted by the people of Dakota, including all political parties, to believe that the territory would certainly be divided and two states formed and admitted to the Union as early as it was practicable to accomplish it. South Dakotans felt that they were already through, or nearly so with their preliminary work, that is, that while there were some dissenters, the large majority seemed content with the constitution already adopted.

But North Dakota had taken no steps in this direction. Her citizens were brought rather abruptly to face the question of framing a state government for the northern half of the territory, and an initiatory movement for that purpose was started as early as the 25th of November, when a body of representative citizens of Jamestown sent out an invitation to all the counties in that half of the territory, to send representatives, the number being left to their discretion, to a meeting to be held at Jamestown, the 5th of December, to consider the proper course to be pursued in the preliminary work which the new order of things had given them to deal with. The call is here quoted:

The citizens of North Dakota are hereby requested to meet in mass convention at the City of Jamestown, December 5, 1888, for the purpose of considering questions of vital importance, particularly the calling of a constitutional convention and securing an early admission into the Union. The basis of representation is left to the judgment of the different counties, and it is earnestly requested that every county be represented.

There was a general and very encouraging response to this formal call, and a large body of representative and public-spirited men assembled at Jamestown on the date named, December 5th, and was called to order by Hon. E. P. Wells, who was chairman of the committee of Jamestown citizens under whose authority the invitation had been issued. It is gathered from the published minutes of the proceedings that over three hundred representatives were present, representing every county in Northern Dakota, except Bottineau, Griggs, McIntosh, Rolette and Sargent. The proceedings follow:

J. M. Bartholomew, of LaMoure county, nominated A. S. Stone, of Fargo, for chairman. Judson LaMoore, of Pembina, nominated ex-Gov. Gilbert A. Pierce for chairman. Alfred Dickey, of Jamestown, was also nominated, but declined.

On motion of Colonel Gore, of Fargo, it was decided that in the vote for chairman and all subsequent voting, each county be allowed the same number of votes as that given in the last representative apportionment.

Pierce was elected chairman on the first ballot by a vote of 111, to 80 for Stone. Pierce was supported by the Missouri slope and by half of the Red River Valley. James River Valley and the other half of the Red voted for Stone. Counties voting for Pierce were: Billings, Burleigh, Dickey, Emmets, Grand Forks, Kidder, Logan, Mercer, Mott, McLean, Morton, Nelson, Oliver, Pembina, Ramsey, Stark, Towner and Walsh. Counties voting for Stone were: Barnes, Benson, Cass, Eddy, Foster, LaMoure, Richland, Rolette, Stutsman, Steele, Trail, Wells and Ward. Ransom divided her votes.

On taking the chair, Governor Pierce made a brief address full of facts and figures.

Upon suggestion of J. A. Rea, of Bismarck, the convention then elected six presidents as follows: Colonel Phinney, of Cass; Judge Lewis, of Trail; Colonel Thompson, of Burleigh; Major Rodie, of Grand Forks; Col. R. M. Tuttle, of Mandan, was elected secretary, and A. C. McMillan, of Jamestown, W. H. Ellis, of Oakes, and J. B. Powers, of Wahpeton, Richland County, assistant secretaries.

Delegate Kennedy, of Dickey County, introduced and carried the adoption of a resolution declaring it to be the sense of this convention that the territory



should be divided on the 7th standard parallel of surveys. The resolution was unanimously adopted.

Messrs. Spaulding, of Cass County, Jewell, of Burleigh, Hansborough, of Ramsey, Ward, of Grand Forks, and Yorkey, of Walsh, were appointed a Committee on Order of Business. While this committee was absent the convention listened to Delegate Wells, of Jamestown, who read letters and telegrams of endorsement from Representatives Snider, Dunnell and Comstock, of Minnesota; Governor-elect Merriam, also of Minnesota; Thomas Lowery, of Minneapolis; Governor Church, Judge Rose, Delegate-elect Matthews, Delegate Gifford, Editor Wheelock, of the Pioneer Press, Governor Mellette, and Judge H. J. Campbell, of South Dakota.

The following Committee on Resolutions was then appointed: Harris, of Burleigh; Long, of Morton; Dickey, of Stutsman; Underhill, of Stark; Stone, of Cass; Hansborough, of Ramsey; Levissee, of Trail; Ellis, of Dickey; Tombs, of Walsh. Recess was taken until 7 o'clock in the evening.

The convention reassembled at 7.35, when T. K. Long, of Mandan, chairman of the Committee on Resolutions, submitted the following report, which was adopted by a unanimous vote:

Resolved, by the people of North Dakota in convention assembled:

First—That we favor the division of Dakota Territory on the 7th standard parallel and the immediate admission of the northern portion into the union of states.

Second—That we are emphatically in favor of the name of North Dakota for the proposed new state.

Third—That the Fiftieth Congress should provide for the admission of North Dakota.

Fourth—That in case the Fiftieth Congress fails to provide for the admission of North Dakota as a state, we earnestly request the President-elect to call a special session of the Fifty-first Congress for that purpose.

Fifth—That the Eighteenth Legislative Assembly of Dakota Territory is urged to provide, at the earliest practicable moment after its meeting in January, 1889, for a constitutional convention for North Dakota.

Sixth—That South Dakota, Montana and Washington are respectfully invited to co-operate with North Dakota in this movement for admission.

On motion, the chair appointed the following committees:

Committee to prepare a bill to submit to the Legislature and memorialize Congress—E. C. Geary, Fargo; J. F. O'Brien, Ramsey County; Thomas Elliott, Ransom County; James H. Bosard, Grand Forks County; H. S. Dissem, La-Moure County.

Territorial Convention Committee—L. R. Casey, Stutsman County; John Russell, Barnes County; Judson LaMoure, Pembina County; L. B. Richardson, Grand Forks County; N. C. Lawrence, Stark County.

Memorial to President-Elect—R. S. Stevens, Ransom County; Smith Stimmel, Cass County; H. C. Stanley, Kidder County; J. Morley Wyard, Foster County; D. S. Dodds, Nelson County.

The resolutions committee, having covered nearly every point of interest in their report, it was adopted by a unanimous vote.

No business remaining, the convention adjourned, and listened to addresses from General Ward, of Grand Forks, and Colonel Plummer.

The decision of the Committee on Resolutions that the Legislature should call a constitutional convention, was endorsed by the convention without dissent.

The committees appointed held meetings and discussed without decided action matters of time and place for meetings to accomplish the work that devolved upon them.

Now comes the action of Congress in enacting the omnibus admission bill, which provides a constitutional convention for North Dakota and all necessary statehood legislation, rendering the purpose of the above convention unnecessary.

Hon. Bartlett Tripp, chief justice of the territory, was warmly interested in favor of the division of the territory and the admission of the states into the Union, and, being prominent in democratic circles, was induced to visit Washington in January, 1889, for the purpose of presenting to the President and to Congress, particularly the democratic House and Mr. Springer, the sentiment of the democratic party in the territory upon these questions. Upon his return, about the 1st of February, a public meeting was held at Yankton for the purpose of hearing from Judge Tripp, his opinion of the situation in Washington concerning Dakota affairs, particularly the status of the division and statehood bills.

The citizens' meeting was held at Turner Hall, on the evening of Thursday, January 31st; the hall was filled, and every available seat was not only occupied, but every space that afforded standing room was also taken, and many were unable to gain admittance. The people were intensely interested. Hon. H. C. Campbell called the meeting to order and nominated Gov. Newton chairman for the chairmanship, who was chosen by a unanimous vote. The governor stated the object of the meeting, which was designed as a complimentary reception to Mr. Tripp, and to hear his statement of the all-absorbing question of that time. Judge Tripp then took the platform and said, in substance:

There never was a more important period in the history of Dakota than the one encompassed by present conditions. It was a condition in which all were interested in a financial sense as well as in a governmental sense, and the financial aspect was looked upon as its most serious aspect. Admission meant largely increased value. The speaker was eloquent in a tribute to Dakota and the grandeur of its area and resources, and into this tribute was woven the stirring remarks of Sunset Cox in the House of Representatives on the same subject. He believed that statehood would add 25 per cent to all property values, and would bring in an abundance of outside capital which now refused to cross the line of a territorial boundary.

That while Dakota was an earnest applicant for admission into the Union, its representatives were not humbling themselves before the Washington powers. They were asking, in a firm and respectful manner, for the rights of Dakota. Their requests went before men from the small eastern states who had no comprehension of the resources of the West or of its extent or capacity. They fortify themselves behind the position that 400,000 people are not entitled to as many senators as the many more hundred thousands whom they represent. The speaker dissipated this argument by producing the record, which showed that when Kentucky was admitted it had 274,000 people, then Tennessee, 250,000, but 47,000, Ohio but 35,000, Missouri but 66,000, California but 94,000, Kansas but 107,000, Nebraska and Colorado but 100,000, and Nevada but 40,000. All these states were given two senators upon their admission. In area, the states of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey and Maryland, combined, had but 14,000 square miles, while Dakota occupied 77,000, and even more, and was capable of sustaining a dense population—greater than that of any of the sterile states named. In evidence of this he quoted the crop and stock statistics of past years and gave a comparative statement of the railroad mileage.

Dakota sought division for the overshadowing reason that it was too large for one state. That was argument enough. Its affairs could not be economically administered under one governmental organization. Large states were a menace to the rights of small and large cities, and had the consequence that capital was attracted to the large cities, and was much more expensive to their people than small states. The statistics showed a much heavier percentage of taxation in large states than in small ones. He cited the enormous growth in population of the Great Territory of Dakota, approximately 100,000 in 1881, 510,000 in 1884, 800,000 in 1887, 850,000 in 1889. He stated that it was more easily managed than the small New England states.

Referring to the Washington situation, the speaker said:

The Platte bill had passed the Senate and the Springer bill had passed the House. It was to our interest to secure a compromise between the two. There was disagreement between the two houses of Congress upon these two bills—disagreement on several points. Eastern senators had grown to believe that they had the right to fix the size and boundaries of new states. We of the West denied this proposition. The Constitution confers no right. All Congress could do was to select the states to be admitted, and to determine their

irrespective of the wishes of the people of the new states. Dakota's representatives had demanded division first and admission second, and upon these demands they had been received courteously and listened to most patiently. The Dakota bill held the attention of the House for four days, overshadowing all other business. It was discussed and changed and as it finally passed amended Mr. Springer was hardly able to recognize it. The bill as it passed provided that South Dakota should vote on the Sioux Falls constitution. Then, if ratified, it was to be submitted to the people—the constitution and its separate clauses. If again re-ratified and officers re-elected at the November election the President was to proclaim the state. If the constitution was not ratified, a new constitution was to be made and the state afterwards admitted by act of Congress. There were some things in the bill we did not want, but they could be corrected in a conference. The provision relative to voting upon division and some provisions relating to school lands were objectionable, but every one in the House and Senate stood ready to make necessary corrections.

No doubt that Mr. Springer would be willing to leave the decision upon division to a majority of the whole territory. Mr. Tripp had conversed with Mr. Springer and that gentleman had said he was willing to meet the Senate half way. Senator Platte had expressed like willingness to agree upon a compromise. The New Mexico clause was favored by a majority of the Senate, so the only vital difference was on the Dakota division vote, and this could be overcome and the bill passed at this session of Congress. If it did not pass at this session, Dakota was liable to remain a territory two years longer, as there could be little expectation of an extra session.

Judge Tripp stated that he had seen the President, and he had expressed a willingness to sign the bill, with such modifications as might be agreed upon. So if all differences could be arranged in conference, South Dakota would achieve speedy statehood. Otherwise it was liable to remain two years longer outside the Union.

The following resolutions, presented by Judge Campbell, were then adopted, and the meeting adjourned:

Resolved, That it is the sense of this meeting of the citizens of Yankton County, that there is imminent danger that the defeat of the bill for the division and admission of South and North Dakota, now pending in the Senate of the United States, will involve a delay of at least two years in such admission. That any serious delay means lasting and grave injury to all our interests.

That the present disposition of the democratic party in Congress to pass such a bill, should be promptly accepted by the republicans. And that we therefore respectfully ask our republican friends in the United States Senate to pass as soon as possible the Omnibus Bill, with such amendments as shall be just and proper, at this session of Congress. That we do not consider a new vote upon division as necessary or just, the people of the territory having repeatedly demanded division, and that sentiment being fixed and unalterable.

Resolved, That the hearty thanks of the people of Yankton County are due, and are hereby expressed to our distinguished fellow townsman, Hon. Bartlett Tripp, for his effective and able work at Washington in behalf of admission and the admission of these two states, and for his able and eloquent address to us upon the situation of Dakota matters in Congress.

Resolved, That the chairman and secretary of this meeting be instructed to furnish copies of these resolutions to the Hon. Bartlett Tripp, Hon. A. L. VanOsdel, member of the council, Hon. O. S. Gifford, and to Senators Platte, Davis and Manderson, of the United States Senate, and that they be requested to present them to the Senate of the United States.

#### PASSING THE OMNIBUS BILL.

There was much of interest to Dakotans in the almost daily reports that came from Washington during this session of Congress. One day the telegraph wire would bring intelligence of the most hopeful character, to be contradicted within twenty-four hours by news that had a depressing influence. Nine-tenths of the reports were built on flimsy foundations. They were not false or manufactured, but were based on some incident or conversation with the leaders in Congress, who were themselves very much "at sea" a portion of the time. While it seemed to be quite well understood that Springer would never yield his one-state program and insist on the admission of New Mexico, it was also equally certain that the Senate would never agree to the "admission as a whole" proposition, and were also disposed to resist the admission of New Mexico. Dakota, however, was making the session notable and memorable.



The final struggle for the enactment of a statehood bill for Dakota had the other territories begin in earnest on the 15th of January, when about noon word came before the termination of the session and the end of the fifty-first Congress. Statehood was now offered, but the terms were a ground for serious objection.

It appears from the subsequent proceedings that Mr. Springer was more anxious that the territory should be provided with the means of securing admission before this Congress adjourned than even the republicans, for the republicans relied upon the new President calling an extra session after the 4th of March, when Congress would be controlled by republicans in both branches and would have full control of statehood affairs.

It was evident that the President-elect had about concluded that there should be something of vital importance to the people generally, in addition to the statehood question, to justify a special session.

On January 15th, Mr. Springer, chairman of the House Territorial Committee, reported the Senate (Platt) bill, which provided for the admission of South Dakota and the organization of North Dakota as a territory. It was generally satisfactory to Dakotans. At the same time he reported Mr. Springer's omnibus bill, first as a substitute for the Senate bill, but subsequently changed to an amendment, by striking out all after the creating clause in the Senate bill, and substituting the omnibus bill in lieu thereof.

This omnibus bill was very different from the one finally adopted. It demanded another vote on the division question. It proposed that North Dakota might take the name "North Dakota," or any other name, and that South Dakota might take the name of "South Dakota," or any other except "Dakota." His bill included the Territory of New Mexico also, whose admission at the time was opposed by the republican Senate mainly on the ground that a majority of its inhabitants were unamerican.

It was evident at this time that with Mr. Springer controlling the majority of the House, and the Senate irreconcilably opposed to his bill, there could be no statehood measure passed during the remaining few weeks of the short session unless Springer yielded. It was further evident that had Democrats been willing to accept some objectionable features of the Springer bill, they would have been unable to have obtained the consent of the Senate, which was inclined to follow their own plans and were not much influenced by "the anything to get in" expressions of a very few indiscreet and possibly over-ardent advocates of statehood from home who besieged them, somewhat to their annoyance.

But Springer must yield. He held the key to the situation in his control of the House, but the democrats did not want an extra session with the republicans in control of both houses.

The Senate committee got together on the 1st of February. It was then decided not to frame a new bill as a substitute for that of Mr. Springer, but to report the Springer bill to the Senate, recommending amendments, and ask the appointment of a committee of conferees. They decided that they would reserve the bill they had prepared as a substitute, and by it become the conference committee as representing the views of the Senate conferees.

This proposed substitute called two state conventions in Dakota and did away with another vote on division. It corrected the condition of the Springer measure, and omitted all provisions for New Mexico. It was expected that the New Mexico question would be the principal point of contention in the conference. The adoption of the Sioux bill constituted for South Dakota, in a few one, was provided for, as the people might determine. The Senate passed the substitute bill.

The democrats in both houses were insisting that the exclusion of New Mexico would be fatal to the bill. Senator Hooker and Mr. Springer both declared that the democrats would not vote for a bill that brought in the northern territories alone.

The Springer bill, with the action of the Senate thereon, reached the House February 1st, while that body was in committee of the whole, and was not considered during that day's business, but was taken up the following day. It was said that the territorial question had ceased to be a Dakota question, and was now a New Mexico question, but nevertheless Mr. Springer expressed confidence in the result before the conference committee at another session.

The House took up the Senate report February 2d, and on motion of Mr. Springer, insisted upon its amendments and appointed a conference committee consisting of Mr. Springer, Mr. Baker, of New York (a republican and an ardent friend of the Dakotas), and Mr. Barnes, of Georgia (a democrat and a fair-minded man who had ideas of his own which were said to be liberal toward the territories). The Senate conference committee was composed of Senators Platt, of Connecticut, chairman of the territorial committee; Senator Cullom, of Illinois, and Senator Butler, of South Carolina, whose views have been given in former pages.

Senator Platt called the conference committee together on the 5th of February. It was apparent that there would be earnest effort made to agree upon a bill that would be unanimously reported, but this would have to include New Mexico if the House conferees were to support it. They were willing to withdraw all objections to Dakota if this was accorded them. An intelligent observer on the ground at Washington and in a position to know as well as any outsider the exact situation, furnished the following view of it, which subsequent proceedings verified as substantially correct:

Springer is cheerful, and Platt sphinx-like, while the outside Dakotans are growing hopeful. Their most substantial hope is based on the conviction, which is gaining ground every day, that the democrats are seriously considering whether they shall not in the alternate pinch yield the admission of New Mexico rather than risk the failure of their bill. The democrats have been studying the character of the New Mexican population and are beginning to doubt whether they would lose anything politically by its exclusion. They see that the mass of the people are without intelligent political convictions and likely to be controlled by whatever power controls the Federal Government. They think it would be republican under Harrison by the same reasoning that made it democratic under Cleveland. They see, too, in the alien and untaught voters of New Mexico plastic material for the manipulation of the wealthy boss, and dread the formation of another senatorial rotten borough, controlled by the same group of corporations that owns Nevada and has a mortgage on California, too. That is to say, the democrats are beginning to see the same evils in the admission of New Mexico that the republicans have seen all along, and to comprehend at the same time that their party has nothing to gain by evoking these evils.

It was whispered about quite recently that Springer was prepared to consent, under apparent compulsion, to let the bill become a law with New Mexico left out. Now it is beginning to be said that enough democrats are prepared to consent to the exclusion without compulsion to give the amended bill a majority of the House. Springer is as artful as usual. He will throw the responsibility of shutting New Mexico out upon the republicans. He will seem to fight for her rights to the last, and only yield to a majority made up, except a dozen or so, of republicans. His plan is to be ready for an agreement with the Senate conferees on all points of the bill except the exclusion of New Mexico, in the expectation that he will be overruled and New Mexico excluded by the votes of the republicans and fifteen or twenty democrats. Then he will announce that the republicans of both houses have declared by a solid vote that the people of New Mexico are less fit for citizenship than the negroes of Louisiana, and he says there will not be republicans enough in the territory to make milestones across it. This he calls putting the republicans in a hole. The people of the northern territories will be quite willing to see that achievement performed if they can only get into the Union themselves. The democrats seem to be ready to give up everything for which they have held on, and even implore the republicans for permission to give up more, in order to make the new states a feature of this Congress instead of the next. This incidentally is justice to the territories, but that is not the main motive.

The hope at the bottom of the democratic change of heart in relation to the republican territories is that gratitude for their party for admission, together with the growth of the revenue reform sentiment in the Northwest, will very soon make two or three of these territories democratic.

It remains to be seen whether the republicans of the Senate are willing to sacrifice the glory of making four new republican states in the next administration, for the sake of giving the territories prompt assurance of certain early admission in this. The certainty is all this Congress can give more than the next, as that will have the power to do all that can be done now. But action at this session forestalls unforeseen accidents.

The conferees assembled February 7th, and held a long session, the conclusion of which, the report said, it was decided to report to the respective Houses that the conference was unable to agree. The matters of disagreement were fully set forth in Mr. Springer's report to the House, which is here given:

Mr. Speaker, I desire to say that in order that the House may understand more fully the points at difference between the conferees on the part of the Senate on the part of the House:

A majority of the Senate conferees insist that the bill as it passed the House, shall be amended, first, so as to exclude New Mexico; second, so as to admit South Dakota by proclamation under the Sioux Falls constitution which is to be submitted to the people again, with a new election of officers and without a vote in that territory on the question of division; third, to bring in the three territories of Washington, Montana and North Dakota on the same basis, all of them either by proclamation or all of them by special acts of admission at the next session of Congress. These are the chief points presented by the Senate conferees.

It was suggested by them further, that such matters as relate to the election of delegates and the apportionment of the district in which the members are to be elected, the date of holding conventions and the date of resubmitting the South Dakota constitution, and the location of the temporary seat of government in South Dakota, should be referred to the chairmen of the respective committees of the Senate and House. As to those minor points, I have no doubt an agreement could be reached without difficulty or delay.

A majority of the House conferees submitted in conference the following as a basis of agreement which should be satisfactory to them:

First. As to New Mexico, we are willing to submit the question of exclusion of that territory from the bill to the two houses of Congress and be governed by such instruction as might be given thereon.

Second. That a vote on the question of a division of Dakota would be insisted upon, but in a spirit of compromise and to secure other portions of the bill as it passed the House, we are willing to recommend such amendment of the bill as would provide that the majority of all votes cast in the Territory of Dakota should be sufficient to decide the question of division instead of the provision of the bill as it passed the House, requiring a majority in both North and South Dakota on that question to authorize division.

Third. As to the admission of North Dakota, Montana and Washington, and New Mexico (if that territory is retained in the bill), by proclamation or by special acts of Congress, the House conferees were willing to recommend that Montana and Washington should be admitted on the constitutions formed by those territories heretofore, as provided in the bill as passed by the House, as to Montana, and also as is provided in a proposed amendment in reference to Washington Territory, submitted by the senator from Indiana, Mr. Voorhees.

But we were unwilling to recommend that any state should be admitted by proclamation of the President, unless the constitution framed by it should first be submitted to Congress, and hence, if a majority of the Senate conferees shall insist upon a uniform rule as to these territories, an agreement can be reached by requiring all to be admitted alike by special acts at the session of Congress beginning in December next.

This does not apply to South Dakota, which the House conferees insist shall be admitted in the seventh paragraph of the third section of the bill as it passed the House, which paragraph is known as the amendment offered by the gentleman from Kansas, Mr. Perkins, and which was adopted by the House on his motion without objection.

Fourth. The majority of the House conferees will insist upon a re-submission of the question of a temporary seat of government for South Dakota.

Fifth. The House conferees may substitute in reference to donations of land for educational and other purposes, so as to secure such lands for school purposes only, or for the purposes mentioned in the bill as it passed the House.

These, Mr. Springer said, constitute the matters of disagreement at this time. I desire to say, however, that the conferees of both the Senate and House have met in a spirit of liberality and a desire to secure a result which will meet the favorable action of the two houses. And I have no doubt that such agreement will be reached at an early day, with such aid as the two houses may give us.

The House, in considering the report, first adopted a motion made by Mr. Springer, that the House insist on its amendments, and call for another conference.

Mr. Baker, of New York, one of the conferees, then offered a resolution instructing the House conferees as follows:

- 1st. To exclude New Mexico from the bill
- 2d. To amend the bill so as to provide for the admission of South Dakota by proclamation. The Sioux Falls constitution to be submitted to a vote of the people of South



Dakota, with a provision for a new election of state officers, and without a new vote on the question of division.

3d. That North Dakota, Montana and Washington shall be admitted on the same basis, either by presidential proclamation or formal acts of admission.

Mr. Cox, of New York, offered a substitute for Baker's resolution that differed only in one respect—it provided for the admission of the three states last named by proclamation. Baker accepted the Cox amendment.

Springer insisted on retaining New Mexico. After debate, and on motion, the first clause of Baker's resolution eliminating New Mexico, was agreed to by a vote of 135 to 106. The second clause of Baker's resolution, as amended by Cox, was then agreed to.

Without following the proceedings further in the House or in conference, further than to state that at the meeting of the conference committee, held February 15th, the House receded from every contested proposition, and this intelligence was flashed from Washington to many points in Dakota by Delegate Gifford, concluding laconically with "Admission sure."

This action by the conferees was followed by their report to their respective houses. Their report was confirmed in each branch, and the joint omnibus bill enacted into law. Another telegram from Delegate Gifford, of February 22d, stated: "The statehood omnibus bill was signed by the President at 11 o'clock today, and is now a law."

The conference report was submitted by the respective conferees to the House and Senate on the 20th. The report said:

Promptly at 2.40 o'clock P. M., Mr. Springer rose in his seat, accompanied by his traditional buttonhole bouquet, which today was white instead of red, and presented the conference report on the part of the House. The report was sent to the clerk's desk and unanimous consent was asked that it be voted upon without being read. There was no objection and the vote was quickly taken. Speaker Carlisle put the question to vote. There was no call of yeas and nays. The speaker in his loud tone put the question by saying that all who were in favor of adopting the report should say aye. Hearty the response came from every member in the House, with the exception of Mr. Barnes, of Georgia, a member of the Conference Committee, who had refused to sign the report, for reasons satisfactory to himself.

The affirmative response was given with much enthusiasm, which was hardly, if ever before, equaled on the passage of any measure. It rung through the hall, out into the corridors, down toward the great dome, and was audible out on the plaza, where fifty or more carpenters were at work erecting a stand upon which President Harrison was to be inaugurated. When the nays were called for there was but one feeble response, that of Mr. Barnes, who was governed by conscientious scruples against the admission of states by proclamation; and the speaker then announced that the ayes had it. This was the signal for a general outburst of joy. The more enthusiastic members took from their seats the great bundles of papers, Congressional Records, books and anything in sight, and hurled them high in the air. Then began a general hand-shaking, which lasted for ten minutes, some members throwing their arms fraternally around someone's neck, and more general goodfellowship over any measure was scarcely, if ever, seen in the national halls of legislation. The Minnesota delegation, headed by Mr. McDonald, marched to Mr. Springer's desk, and each in turn shook the hand of the chairman of the Territorial Committee. After Mr. McDonald came Mr. Rice, Mr. Wilson, Mr. Lind and Mr. Nelson.

The territorial delegates, headed by Mr. Gifford, Mr. Toole of Montana, and Mr. Voorhees of Washington, were all the recipients of the warmest congratulations. The work today is the general talk and comment throughout Washington tonight. In the corridors of the hotels and in every public place, with democrats and republicans alike, there is a general sentiment of good feeling and rejoicing that within the next few months the states of the Union will have grown in number from thirty-eight to forty-two. It has been a great struggle and a hard fought battle, but today the wreaths of victory were made to crown the heads of four new sister states. If the legislatures of Washington and Montana are democratic, Toole and Voorhees will be candidates for senators. If the Montana Legislature is republican it is said here that Russell B. Harrison will be a candidate for the Senate.

Senator Platt presented the report of the conference in the Senate. Discussion followed as to the reason the conferees had not insisted on the right of women in Washington Territory to vote and hold office in spite of the decision of the Supreme Court of the territory. Mr. Platt said it was a question of expediency. The decision of the Supreme Court of Washington Territory had been appealed to the Supreme Court of the United States, and he hoped that the case would be advanced on the calendar. He should be very glad if the Supreme Court would find that the judgment should be reversed.

Mr. Vest retired with the proposition, and Mr. Cullum had been eliminated from the bill. Mr. Cullum said that there was a very great difference in the social conditions and general situation between the Territory of New Mexico and the territories included in the bill. A large portion of the people of New Mexico were termed Mexicans in contradistinction to Americans, and only a small proportion of them, not over fifteen or twenty thousand, could speak the English language. After further discussion the vote was taken, and the report was agreed to without a division.

Concerning the approval of the bill and with what incident it was effected, and other incidents, it was learned from a spectator who, with a large party, witnessed the ceremony, that the President affixed his signature a few minutes before 11 o'clock. His signature was made in a much bolder hand than he usually writes. The bill was signed with a quill pen, the quill having been plucked from the wing of an eagle killed in North Dakota. The quill had been sent him a few days previous, with the request that he would use it for the first time in attaching his signature to the territorial bill. This request the President heeded, and afterward sent the pen to Delegate Gifford, making him a present of it, together with a note saying that if any historical value could be added to the instrument, he was glad to give Mr. Gifford the benefit of it. Mr. Gifford accepted the pen and acknowledged the President's thoughtful courtesy by a note in return. The delegate wound it about with red, white and blue ribbons, and remarked that when the governors of the two states were chosen he would let them decide which state historical society should have it.

The enabling act for the four states of South Dakota, North Dakota, Montana and Washington, which were to be made out of the three territories—and which, because of the numerous individual subjects carried, was popularly known as the "Omnibus Bill," here follows in full:

#### THE OMNIBUS BILL

An act to provide for the division of Dakota into two states and to enable the people of North Dakota, South Dakota, Montana and Washington to form constitutions and state governments and to be admitted into the Union on an equal footing with the original states, and to make donations of public lands to such states.

Section 1. That the inhabitants of all that part of the area of the United States now constituting the territories of Dakota, Montana and Washington, as at present described, may become the states of North Dakota, South Dakota, Montana and Washington, respectively, as hereinafter provided.

Sec. 2. The area comprising the Territory of Dakota shall, for the purposes of this act, be divided on the line of the 7th standard parallel produced due west to the western boundary of said territory; and the delegates elected as hereinafter provided to the constitutional convention in districts north of said parallel shall assemble in convention, at the time prescribed in this act, at the city of Bismarck; and the delegates elected in districts south of said parallel shall, at the same time, assemble in convention at the City of Sioux Falls.

Sec. 3. That all persons who are qualified by the laws of said territories to vote for representatives to the legislative assemblies thereof are hereby authorized to vote for and choose delegates to form conventions in said proposed states; and the qualifications for delegates to such conventions shall be such as by the laws of said territories respectively persons are required to possess to be eligible to the legislative assemblies thereof; and the afore-said delegates to form said conventions shall be appointed within the limits of the proposed states, in such districts as may be established as herein provided, in proportion to the population in each of said counties and districts, as near as may be, to be ascertained at the time of making said apportionments by the persons hereinafter authorized to make the same, from the best information obtainable, in each of which districts three delegates shall be elected, but no elector shall vote for more than two persons for delegates to such conventions; that said apportionments shall be made by the governor, the chief justice and the secretary of said territories; and the governors of said territories shall, by proclamation, order an election of the delegates in each of said proposed states, to be held on the Tuesday after the second Monday in May, 1889, which proclamation shall be issued on the fifteenth day of April, 1889, and such election shall be conducted, returns made, the result ascertained, and the certificates to persons elected to such conventions issued in the same manner as is prescribed by the laws of said territories regulating elections therein for delegates to Congress; and the number of votes cast for delegates in each precinct shall also be returned. The number of delegates to said conventions respectively shall be seventy-five; and all persons resident in said proposed states, who are qualified voters of said territories as herein provided, shall be entitled to vote upon the election of delegates, and under such rules and regulations as said

conventions may prescribe, not in conflict with this act, upon the ratification or rejection of the constitutions.

Sec. 4. That the delegates to the conventions elected as provided in this act shall meet at the seat of government of each of said territories, except the delegates elected in South Dakota, who shall meet at the City of Sioux Falls, on the fourth day of July, 1889, and after organization shall declare, on behalf of the people of said proposed state, that they adopt the Constitution of the United States; whereupon the said conventions shall be, and are hereby authorized to form constitutions and state governments for said proposed states respectively. The constitutions shall be republican in form, and make no distinction in civil or political rights on account of race or color, except as to Indians not taxed, and not to be repugnant to the Constitution of the United States and the principles of the Declaration of Independence. And said conventions shall provide, by ordinances irrevocable without the consent of the United States and the people of said states:

First—That perfect toleration of religious sentiment shall be secured, and that no inhabitants of said states shall ever be molested in person or property on account of his or her mode of religious worship.

Second—That the people inhabiting said proposed states do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian or Indian tribes; and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States; that the lands belonging to citizens of the United States residing without the said states shall never be taxed at a higher rate than the lands belonging to residents thereof; that no taxes shall be imposed by the states on lands or property therein belonging to or which may hereafter be purchased by the United States or reserved for its use. But nothing herein, or in the ordinances herein provided for, shall preclude the said states from taxing as other lands are taxed any lands owned or held by any Indian who has severed his tribal relations, and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as may have been or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the lands thus granted from taxation; but said ordinances shall provide that all such lands shall be exempt from taxation by said states so long and to such extent as such act of Congress may prescribe.

Third—That the debts and liabilities of said territories shall be assumed and paid by said states respectively.

Fourth—That provision shall be made for the establishment and maintenance of systems of public schools, and which shall be open to all the children of said states, and free from sectarian control.

Sec. 5. That the convention which shall assemble at Bismarck shall form a constitution and state government for a state to be known as North Dakota, and the convention which shall assemble at Sioux Falls shall form a constitution and state government for a state to be known as South Dakota; Provided, that at the election for delegates to the constitutional convention in South Dakota, as hereinbefore provided, each elector may have written or printed on his ballot the words "For the Sioux Falls Constitution," or the words "Against the Sioux Falls Constitution," and the votes on this question shall be returned and canvassed in the same manner as for the election provided for in section 3 of this act; and if a majority of all votes cast on this question shall be "For the Sioux Falls Constitution" it shall be the duty of the convention which may assemble at Sioux Falls, as herein provided, to re-submit to the people of South Dakota, for ratification or rejection, at the election hereinafter provided for in this act, the constitution framed at Sioux Falls and adopted November 3, 1886, and also the articles and propositions separately submitted at that election, including the question of locating the temporary seat of government, with such changes only as relate to the name and boundary of the proposed state, to the reapportionment of the judicial and legislative districts, and such amendments as may be necessary in order to comply with the provisions of this act; and if a majority of the votes cast on the ratification or rejection of the constitution shall be for the constitution irrespective of the articles separately submitted, the State of South Dakota shall be admitted as a state in the Union under said constitution as hereinafter provided; but the archives, records and books of the Territory of Dakota shall remain at Bismarck, the capital of North Dakota, until an agreement in reference thereto is reached by said states. But if at the election for delegates to the constitutional convention in South Dakota a majority of all the votes cast at that election shall be "Against the Sioux Falls Constitution," then and in that event it shall be the duty of the convention which shall assemble at the City of Sioux Falls on the fourth day of July, 1889, to proceed to form a constitution and state government as provided in this act the same as if that question had not been submitted to a vote of the people of South Dakota.

Sec. 6. It shall be the duty of the constitutional conventions of North and South Dakota to appoint a joint commission, to be composed of not less than three members of each convention, whose duty it shall be to assemble at Bismarck, the present seat of government of said territory, and agree upon an equitable division of all property belonging to the Territory of Dakota, the disposition of all public records, and also adjust and agree upon the



amount of debts and liabilities shall be incorporated in the respective constitutions, and each of said states shall oblige itself to pay its proportion of such debts and liabilities the same as if they had been created by such states respectively.

Sec. 7. If the constitution proposed for either North Dakota or South Dakota shall be rejected by the people at the elections for the ratification or rejection of their respective constitutions as provided for in this act, the territorial government of Dakota shall continue in existence the same as if this act had not been passed. But if the constitution formed for either North Dakota or South Dakota shall be rejected by the people, that part of the territory so rejecting its proposed constitution shall continue under the territorial government of the present Territory of Dakota, but shall, after the state adopting its constitution is admitted into the Union, be called by the name of the Territory of North Dakota or South Dakota, as the case may be; Provided, that if either of the proposed states provided for in this act shall reject the constitution which may be submitted for ratification or rejection at the election provided therefor, the governor of the territory in which such proposed constitution was rejected shall issue his proclamation reconvening the delegates selected to the convention which formed such rejected constitution, fixing the time and place at which said delegates shall assemble; and when so assembled they shall proceed to form another constitution or to amend the rejected constitution, and shall submit such new constitution or amended constitution to the people of the proposed state for ratification or rejection, at such time as said convention may determine; and all the provisions of this act, so far as applicable, shall apply to such convention so reassembled and to the constitution which may be formed, its ratification or rejection, and to the admission of the proposed state.

Sec. 8. That the constitutional convention which may assemble in South Dakota shall provide by ordinance for resubmitting the Sioux Falls constitution of 1885, after having amended the same as provided in section 5 of this act, to the people of South Dakota for ratification or rejection at an election to be held therein on the first Tuesday in October, 1889; but if said constitutional convention is authorized and required to form a new constitution for South Dakota it shall be provided for submitting the same in like manner to the people of South Dakota for ratification or rejection at an election to be held in said proposed state on the said first Tuesday in October. And the constitutional conventions which may assemble in North Dakota, Montana and Washington shall provide in like manner for submitting the constitutions formed by them to the people of said proposed states, respectively, for their ratification or rejection at elections to be held in said proposed states on the said first Tuesday in October. At the elections provided for in this section the qualified voters of said proposed states shall vote directly for or against any articles or propositions separately submitted. The returns of said elections shall be made to the secretary of each of said territories, who, with the governor and chief justice thereof, or any two of them, shall canvass the same; and if a majority of the legal votes cast shall be for the constitutions the governor shall certify the result to the President of the United States, together with a statement of the votes cast thereon and upon separate articles or propositions, and a copy of said articles, propositions and ordinances. And if the constitution and governments of said proposed states are republican in form, and if all the provisions of this act have been complied with in the formation thereof, it shall be the duty of the President of the United States to issue his proclamation announcing the result of the election in each, and thereupon the proposed states which have adopted constitutions and formed state governments as herein provided, shall be deemed admitted by Congress into the Union under and by virtue of this act on an equal footing with the original states from and after the date of said proclamation.

Sec. 9. That until the next general census, or until otherwise provided by law, said states shall be entitled to one representative in the House of Representatives of the United States, except South Dakota, which shall be entitled to two; and the representatives of the Fifty-first Congress, together with the governors and other officers provided for in said constitution, may be elected on the same day of the election for the ratification or rejection of the constitution; and until said state officers are elected and qualified under the provisions of each constitution and the states, respectively, are admitted into the Union, the territorial officers shall continue to discharge the duties of their respective offices in each of said territories.

Sec. 10. That upon the admission of each of said states into the Union sections numbered 16 and 36 in every township of said proposed states, and where such sections, or any parts thereof, have been sold or granted to any person or corporation, or to any department of Congress, other lands equivalent thereto, in legal subdivisions of not less than one-quarter section, and as contiguous as may be to the section in lieu of which the same is taken, are hereby granted to said states for the support of common schools, such indemnity lands to be selected within said states in such manner as the Legislature may provide, with the approval of the Secretary of the Interior. The public lands embraced in the sections embraced in permanent reservations for national purposes shall not, at any time, be subject to the grants nor to the indemnity provisions of this act, nor shall any lands embraced in Indian, military, or other reservations of any character, be subject to the grants or to the indemnity provisions of this act, and the public lands so reserved, and such lands be restored to, and become a part of, the public domain.

Sec. 11. That all lands herein granted for educational purposes shall be disposed of only at public sale, and at a price not less than ten dollars per acre, the proceeds to constitute a permanent school fund, the interest of which only shall be expended in the support of said schools. But said lands may, under such regulations as the Legislature shall prescribe, be leased for periods of not more than five years, in quantities not exceeding one section to any one person or company; and such land shall not be subject to pre-emption, homestead entry, or any other entry under the land laws of the United States, whether surveyed or unsurveyed, but shall be reserved for school purposes only.

Sec. 12. That upon the admission of each of said states into the Union, in accordance with the provisions of this act, fifty sections of the unappropriated public lands within said states, to be selected and located in legal subdivisions as provided in section 10 of this act, shall be, and are hereby, granted to said states for the purpose of erecting public buildings at the capital of said states for legislative, executive and judicial purposes.

Sec. 13. That 5 per centum of the proceeds of the sales of public lands lying within said states which shall be sold by the United States subsequent to the admission of said states into the Union, after deducting all the expenses incident to the same, shall be paid to the said state, to be used as a permanent fund, the interest of which only shall be expended for the support of the common schools within said states respectively.

Sec. 14. That the lands granted to the territories of Dakota and Montana by the act of February 18, 1881, entitled "An act to grant lands to Dakota, Montana, Arizona, Idaho and Wyoming for university purposes," are hereby vested in the states of South Dakota, North Dakota and Montana, respectively, if such states are admitted into the Union as provided in this act, to the extent of the full quantity of seventy-two sections to each of said states, and any portion of said lands that may not have been selected by either of said territories of Dakota or Montana may be selected by the respective states aforesaid; but said act of February 18, 1881, shall be so amended as to provide that none of said lands shall be sold for less than ten dollars per acre, and the proceeds shall constitute a permanent fund to be safely invested and held by said states severally, and the income thereof be used exclusively for university purposes. And such quantity of the lands authorized by the fourth section of the act of July 17, 1854, to be reserved for university purposes in the Territory of Washington, as, together with the lands confirmed to the vendees of the territory by the act of March 14, 1864, will make the full quantity of seventy-two entire sections, are hereby granted in like manner to the State of Washington for the purposes of a university in said state. None of the lands granted in this section shall be sold at less than ten dollars per acre; but said lands may be leased in the same manner as provided in section 11 of this act. The schools, colleges and universities provided for in this act shall forever remain under the exclusive control of the said states respectively, and no part of the proceeds arising from the sale or disposal of any lands herein granted for educational purposes shall be used for the support of any sectarian or denominational school, college, or university. The section of land granted by the act of June 16, 1880, to the Territory of Dakota, for an asylum for the insane shall, upon the admission of said State of South Dakota into the Union, become the property of said state.

Sec. 15. That so much of the lands belonging to the United States as have been acquired and set apart for the purpose mentioned in "An act appropriating money for the erection of a penitentiary in the Territory of Dakota," approved March 2, 1881, together with the buildings thereon, be, and the same is hereby, granted, together with any unexpended balances of the moneys appropriated therefor by said act, to said State of South Dakota, for the purposes therein designated; and the states of North Dakota and Washington shall, respectively, have like grants for the same purpose, and subject to like terms and conditions as provided in said act of March 2, 1881, for the Territory of Dakota. The penitentiary at Deer Lodge City, Montana, and all lands connected therewith and set apart and reserved therefor, are hereby granted to the State of Montana.

Sec. 16. That 90,000 acres of land, to be selected and located as provided in section 10 of this act, are hereby granted to each of said states, except to the State of South Dakota, to which 120,000 acres are granted for the use and support of agricultural colleges in said states, as provided in the acts of Congress making donations of lands for such purpose.

Sec. 17. That in lieu of the grant of land for purposes of internal improvement made to new states by the eighth section of the act of September 4, 1841, which act is hereby repealed as to the states provided for by this act, and in lieu of any claim or demand by the said states, or either of them, under the act of September 28, 1850, and section 2479 of the Revised Statutes, making a grant of swamp and overflowed lands to certain states, which grant it is hereby declared is not extended to the states provided for in this act, and in lieu of any grant of saline lands to said states, the following grants of land are hereby made, to-wit:

To the State of South Dakota: For the school of mines, 40,000 acres; for the reform school, 40,000 acres; for the deaf and dumb asylum, 40,000 acres; for the agricultural college, 40,000 acres; for the university, 40,000 acres; for state normal schools, 80,000 acres; for public buildings at the capital of said state, 50,000 acres; and for such other educational and charitable purposes as the Legislature of said state may determine, 170,000 acres; in all 500,000 acres.

To the State of North Dakota a like quantity of land as is in this section granted to the State of South Dakota, and to be for like purposes, and in like proportion as far as practicable.

That the states provided for in this act shall not be entitled to any further or other grants of land for any purpose, and the lands herein provided for shall be held, appropriated, and disposed of exclusively for the purposes herein mentioned, in such manner as the legislatures of the respective states may severally provide.

But if sections 16 and 36, or any subdivision or portion of any smallest subdivision thereof in any township shall be found by the department of the interior to be mineral lands, said states are hereby authorized and empowered to select, in legal subdivisions, an equal quantity of other unappropriated lands in said states, in lieu thereof for the use and benefit of the common schools of said states.

Sec. 19. That all lands granted in quantity or as indemnity by this act shall be selected, under the direction of the secretary of the interior, from the surveyed, unreserved and unappropriated public lands in the United States within the limits of the respective states entitled thereto. And there shall be deducted from the number of acres of land donated by this act for specific objects to said states the number of acres in each heretofore donated by Congress to said territories for similar objects.

Sec. 20. That the sum of \$20,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the treasury not otherwise appropriated, to each of said territories for defraying the expenses of the said conventions, except to Dakota, for which the sum of \$40,000 is so appropriated, \$20,000 each for South Dakota and North Dakota, and for the payment of the members thereof, under the same rules and regulations and at the same rates as are now provided by law for the payment of the territorial legislatures. Any money hereby appropriated not necessary for such purposes shall be covered into the treasury of the United States.

Sec. 21. That each of said states, when admitted as aforesaid, shall constitute one judicial district, the names thereof to be the same as the names of the states, respectively; and the Circuit and District courts therefor shall be held at the capital of such state for the time being, and each of said districts shall, for judicial purposes, until otherwise provided, be attached to the eighth judicial circuit, except Washington and Montana, which shall be attached to the ninth judicial circuit. There shall be appointed for each of said districts one district judge, one United States attorney, and one United States marshal. The judge of each of said districts shall receive a yearly salary of \$3,500, payable in four equal installments, on the first days of January, April, July and October of each year, and shall reside in the district. There shall be appointed clerks of said courts in each district, who shall keep their offices at the capital of said state. The regular terms of said courts shall be held in each district, at the place aforesaid, on the first Monday in April and the first Monday in November of each year, and only one grand jury and one petit jury shall be summoned in both said Circuit and District courts.

Sec. 22. That all cases of appeal or writ of error heretofore prosecuted and now pending in the Supreme Court of the United States upon any record from the Supreme Court of either of the territories mentioned in this act, or that may hereafter lawfully be prosecuted upon any record from either of said courts, may be heard and determined by said Supreme Court of the United States. And the mandate of execution or of further proceedings shall be directed by the Supreme Court of the United States to the Circuit or District Court hereby established within the state succeeding the territory from which record is or may be pending, or to the Supreme Court of such state, as the nature of the case may require; Provided, that the mandate of execution or of further proceedings shall, in cases rising in the Territory of Dakota, be directed by the Supreme Court of the United States to the Circuit or District Court of the District of South Dakota, or to the Supreme Court of the State of South Dakota, or to the Circuit or District Court of the District of North Dakota, or to the Supreme Court of the State of North Dakota, or to the Supreme Court of the Territory of North Dakota, as the nature of the case may require. And each of the Circuit, District, and State courts herein named shall, respectively, be the successor of the Supreme Court of the territory, as to all such cases arising within the limits embraced within the jurisdiction of such courts respectively, with full power to proceed with the same, and award mesne or final process therein; and that from all judgments and decrees of the Supreme Court of either of the territories mentioned in this act, in any case arising within the limits of any of the proposed states prior to admission, the parties to such judgment shall have the same right to prosecute appeals and writs of error to the Supreme Court of the United States as they shall have had by law prior to the admission of said state into the Union.

Sec. 23. That in respect to all cases, proceedings, and matters now pending in the Supreme or District courts of either of the territories mentioned in this act at the time of the admission into the Union of either of the states mentioned in this act, and arising within the limits of any such state, whereof the Circuit or District courts by this act established might have had jurisdiction under the laws of the United States had such courts existed at the time of the commencement of such cases, the said Circuit and District courts, respectively, shall be the successors of said Supreme and District courts of said territory; and in respect to all other cases, proceedings and matters pending in the Supreme or District courts of any of the territories mentioned in this act at the time of the admission of such territory into the Union, arising within the limits of said proposed states, the courts established by such state shall, respectively, be the successors of said Supreme and District Territorial courts; and all



the files, records, indictments and proceedings relating to such cases, shall be transferred to such Circuit, District, and State courts, respectively, and the same shall be proceeded with therein in due course of law; but no writ, action, indictment, cause or proceeding now pending, or that prior to the admission of any of the states mentioned in this act shall be pending in any territorial court in any of the territories mentioned in this act, shall abate by the admission of any such state into the Union, but the same shall be transferred and proceeded with in the proper United States Circuit, District or State Court as the case may be; Provided, however, that in all civil actions, causes and proceedings in which the United States is not a party, transfers shall not be made to the Circuit and District courts of the United States except upon written requests of one of the parties to such action or proceeding filed in the proper court; and in the absence of such request, such cases shall be proceeded with in the proper state courts.

Sec. 24. That the constitutional conventions may, by ordinance, provide for the election of officers for full state governments, including members of the legislatures and representatives in the Fifty-first Congress; but said state governments shall remain in abeyance until the states shall be admitted into the Union, respectively, as provided in this act. In case the constitution of any said proposed states shall be ratified by the people, but not otherwise, the Legislature thereof may assemble, organize, and elect two senators of the United States, and the governor and secretary of state of such proposed state shall certify the election of the senators and representatives as required by law; and when such state is admitted into the Union the senators and representatives shall be entitled to be admitted to seats in Congress, and to all the rights and privileges of senators and representatives of other states in the Congress of the United States; and the officers of the state governments formed in pursuance of said constitutions, as provided by the constitutional conventions, shall proceed to exercise all the functions of such state officers; and all laws in force made by said territories at the time of their admission into the Union shall be in force in said states, except as modified or changed by this act or by the constitutions of the states, respectively.

Sec. 25. That all acts or parts of acts in conflict with the provisions of this act, whether passed by the legislatures of said territories or by Congress, are hereby repealed.

#### ELECTRICAL EFFECT OF THE OMNIBUS BILL

Heretofore in the various proceedings in the territory having to do with division and statehood, there was a large element of the voting population who, while favoring the various movements undertaken to promote them, viewed them as unauthorized by any lawful authority that assured their success, and therefore not meriting serious attention. Even in 1885, when a constitutional convention was held under the authority of the Legislature of the territory, there were many, friendly to the object sought, who took little interest in it, believing that the authority of Congress was essential to give validity to a convention for such a purpose. It was due to this sentiment that was held apparently by one-half the voters of Southern Dakota that the vote at the election which adopted the constitution was so light, barely one-half, which greatly encouraged the opponents of division, and correspondingly depressed its friends. They did not realize the educational value of these movements, and to what extent their influence was felt in behalf of dividing the territory. And it will be observed in the latter proceedings of Congress that Mr. Springer took advantage of the light vote polled in 1885, in his argument in January following, urging another vote on the question of division.

All this was changed when the omnibus bill that provided for division and two Dakota states became a law in February, 1889. It was realized that this proposition came from an authority that had all the power essential to make it a success when supplemented by an affirmative vote of the people of the territory, and there was not the slightest question regarding the outcome. All parties were for it, and a clarion and triumphant tone was given to our early declaration, "We are a state," heretofore rather boastfully uttered to stimulate a lagging public sentiment. The leaders of all parties "put their shoulders to the wheel," and the people were aroused to an enthusiasm new to themselves. And that inanimate body known as the Sioux Falls constitution began to pulsate.

There was no feeling of resentment toward Mr. Springer for the obstructive tactics which had long delayed the fruition of Dakota's hopes, and he would have been accorded a friendly welcome had he come among the Dakotans in this

day of their rejoicing. The event had kindled a sentiment of kindliness toward the people of the United States generally, whom Dakotans were now to meet upon the level of sovereign statehood. It was a source of gratifying to the people of the new South Dakota to know that Congress had practically confirmed the state constitution which had been framed under the authority of the Territorial Legislature of 1885, and which they were now to reaffirm at an election held under the authority and expense of the parent government—a constitution that had been partially framed and adopted by the people's convention of 1883. This new omnibus bill seemed to be a complete vindication of all the orderly movements in the territory in behalf of division and statehood that had marked the years of the periling decade. And though this bill was known popularly as the Springer bill, the people of Dakota will not soon forget that the removal of the measure referring to Dakota was largely the work of Senator Harrison, and the successful termination of this long struggle for popular sovereignty can in large part be justly ascribed to him.

Dakota may be said to have furnished another example of what the people of a territory may lawfully do to help themselves to a state government, though the lesson came at a time when there were no more territories (save New Mexico) to profit by its example. And we do not learn from Dakota's experience that a territory can become a state of the American Union without the consent of Congress.

#### RETROSPECTIVE

There was never before such widespread rejoicing of such a multitude of free people on such an occasion; but to get a glimpse of the fervor which distinguished it, the reader is advised to turn back through these pages, about twenty-eight years, to the small communities which at that time inhabited this Northwest, and read again of the antics of the little bands of frontiersmen when first informed by ox-train messengers, of the passage of the act organizing the territory. Jackrabbits and uncivilized redmen vied with the pale faces, partaking in the welcome given to that event, a welcome so hearty and prolonged that a witness of the proceedings would not have imagined that a time could ever come when hundreds of thousands of the pale-faced race would with loud rejoicing and enthusiastic huzzas bid a tearless farewell forever to the charter which gave them the first relief of a territorial form of government and brought them in its stead the habiliments and sovereignty of statehood. To one who has watched the progress since that jackrabbit era, how entertaining the retrospect—to follow the painfully slow accessions to population when the arrival of a half-dozen stranger faces would excite a small community, and was looked upon as the forerunner of a dozen more—next year, the earnest effort to have the horseback or ambulance mail service increased to twice a week; a suggestion that a sawmill to prepare cottonwood lumber for building in place of cottonwood logs, would fill a long felt want and be sure of extensive patronage, and would provide a respectable enclosure where the itinerant clergyman, who was bidden to happen in at any time, might find a room to preach in and, if necessary, a place to lodge in; the faint whispers in behalf of a school of some sort for the eight or ten youngsters of school age of both sexes, and a minor number of half-breed children, all of whom were supposed to be threatening for back learning. Next, some lady has opened a school in her family apartments, the *carroll* comes in, and the community turns out as one man and one woman to greet it and to shake hands with the sawmillers. The word goes forth that *the* *store* will no longer be recognized as genteel. A steamboat whistles far down the "Big Muddy," and a motley group gathers at the landing to stare at it and witness the putting on shore of a number of *bales* and *bags* for the *merchandise* which contain the latest fashions in ready-made wearing apparel which give to the local inhabitants of the community such a family resemblance. *Boxes* of *bacon* for the ladies, a cord of bacon, barrels of beans, and—vinegar, dried fruit, flour,

cornmeal and a fresh consignment of cove oysters for state occasions. "The tear of regret will intrusively swell" when fancy reverts to our primitive innocent pastimes and catfish diet.

#### FARMERS' ALLIANCE OF THE TWO DAKOTAS—FAREWELL MEETING

The Farmers' Alliance of both North and South Dakota, as it had existed under the territorial organization, held its final meeting at Aberdeen during the closing days of November, 1889, and adopted its reports and declared its platform for the government of the two bodies when they should have become divided and each formed into a state organization acting independently. The resolutions adopted were those which follow:

Resolved, That we urge local alliances to join in the circulation of a petition to the first Legislature of North and South Dakota, requiring the submission of amendments to the state constitutions forbidding the sale of our educational lands, and providing for proper systems of leasing.

Resolved, That we will not give our support nor our vote to any party or organization that does not incorporate our platform, or the substantial part thereof, in their own, and nominate men whose past record and present principles will be a guarantee that that platform will be carried into practice at once and without any reservation;

Resolved, By us, members of the Farmers' Alliance, representing both North and South Dakota, that we demand of the Congress of the United States, that a currency in sufficient quantity shall be issued directly by the Government, without the intervention of national banks; that this currency shall be a full legal tender, and loaned to citizens upon real estate security at a reasonable rate of interest. We also demand that the Government gradually acquire the ownership of the transportation lines, and operate them in the interest of the people; and be it further

Resolved, That we pledge our sacred honor to at once prepare for a political campaign in which we will not, under any circumstances, support or vote for any man that will not fairly and definitely pledge himself to work for these measures;

Resolved, That notes obtained by fraud shall be absolutely void;

Resolved, That the Legislature be requested to pass a tree-culture act, at its first session, empowering the county commissioners to allot a certain amount to be deducted from real estate valuation by reason of the planting of trees;

Resolved, That we demand of the Legislature at the ensuing session the adoption of a rigid mine inspection law with suitable penalties for the violation thereof, and that the executive be empowered to appoint, by and with the consent of the Senate and House of Representatives, a practical miner as mine inspector for South Dakota;

Resolved, That it is the sense of this body that the railroad commissioners be elected by the people. We recommend that the memorial introduced by H. W. Smith be adopted as amended and that a copy of the same be sent to each of our senators and members of the House of Representatives, and request of them to have the same properly brought before those bodies and favorable action taken thereon.

(This memorial refers more particularly to the currency question and urges Congress to increase the volume of circulating currency to the end that it may be adequate for legitimate business purposes, and that the nefarious business of the usurer may be checked, etc.)

We demand the recognition, by incorporation, of trades unions, cooperative stores, and such other associations as may be organized by the industrial classes to improve their financial condition, or promote their general welfare.

That lands forfeited by railroads or other corporations immediately revert to the Government and be declared open for purchase by actual settlers on the same terms as other public lands.

We demand the extinguishment of the public debt of the United States by operating the mints to their fullest capacity, in coining gold and silver and tendering the same, without discrimination, to the creditors of the nation, according to contract.

We demand the substitution of legal tender treasury notes for the issues of the national banks. That the Congress of the United States shall regulate the amount of such issue by per capita calculation, that shall increase and keep pace with the growth of the country's population, and the expansion of its business interests. We further demand the repeal of the present national banking system.

That as there is now a department of agriculture, we demand that the bureau of labor statistics be attached thereto.

We demand that the United States Government purchase, by the right of eminent domain, the railroad, telegraph and telephone lines and operate them, and that a department of transportation be organized to control such enterprises.



We demand that a graduated income tax be levied, and

1. All public necessities, so far as practicable, should be owned and controlled by the Government, and managed in such a way that no class should be allowed to exact unjust rates for the use thereof.

3. The establishment of a national monetary system in which a circulating medium, in necessary quantity, shall issue directly to the people without the intervention of banks.

4. Equal and just taxation of property.

4. Equal and just taxation of property.
5. Prohibition, state and national.

5. Prohibition, state and national.
6. Election of the United States senators by the direct vote of the people.

7. Courts of arbitration, that justice, not precedent, may govern.

8. The Australian, or similar system, of voting.

6. The abolition of the contract system on national, state and municipal works.

10. The prohibition by law of the employment of children under fifteen years of age in mines, shops or factories.

II. To prohibit the hiring out of convict labor.

We demand of our legislatures a thorough and effective usury law, also a uniform caucus and election law, applicable to all elections.

The names following this declaration of protest, which were adopted without dissent by the North and South Dakota bodies, are here appended:

D. W. Smith, J. A. McGinnis, E. F. Wright, William C. Johnson, George F. Hopkins, Wesley Brownell.

The Committee on Irrigation presented the following report, which was carefully considered and then adopted:

Mr. President and fellow Members of the Open House of the Commons

At the meeting in the South Dakota Avenue, Albany, on June 24, 1909, the Committee on Irrigation and Arroyos Works was organized and the following members of the Committee of the United States Senate on Irrigation and on Reclamation of Arid Lands, of which Hon. Wm. M. Stewart, of Montana, was chairman, took the oath and entered each other with a mutual bond to the investigation and development of a national irrigation for Dakota.

such other data as they might deem necessary in reference to this question.

[illegible]

From the evidence that you presented here, I am able to reject the null hypothesis and the following conclusions:

The D. L. state lies in a belt of country extending from the United States into the Gulf of Mexico, from 150 to 200 miles wide, that is the border land between the two countries.

the foot of the Rockies on the west and the rainy country on the east. That while in a large proportion of the seasons there is rainfall enough to insure fair to good crops, dry seasons are periodical and are sometimes very destructive. That unless this deficient rainfall can be supplemented by artificial means, agricultural pursuits will be attended by very undesirable uncertainties.

Your committee confidently believes that a sufficient supply of water can be procured by artesian wells in such portions of the state as water can be had by that means, and by a system of reservoirs and catch basins in other parts to supplement such deficiency.

Your committee understands that there is an uncertainty about the extent of this artesian basin and the unfailing supply of water, also that our people do not understand the proper and judicious application of water for irrigation purposes. They came here expecting and depending upon rainfall and made their calculations accordingly. They have been deceived, they have lost their crops, and are financially prostrated. They possess neither the means nor the knowledge to make experiments. The uncertainties about this question are such that a prudent man would not be justified in hopelessly embarrassing himself in case of failure.

This question being one of national importance and affecting the entire public, it is the opinion of your committee that it is not only the right but the duty of the general Government to make an appropriation sufficient to make a thorough investigation of this whole question and as far as possible set at rest all doubts and uncertainties connected therewith.

Your committee would, therefore, recommend that our members of Congress be earnestly memorialized to make an earnest effort to secure such appropriation, so that this question can be set at rest, and the foundation laid for a system of irrigation that will lead us out of the wilderness. Also that the Legislature be memorialized to take charge of this work and to act in connection with the Government, and to organize and develop a system of irrigation.

We would also recommend that a committee be appointed by this body to look after and take charge of this matter and fight it to a finish. Also that means be provided to pay the necessary expenses of this committee.

All of which is respectfully submitted.

FRED F. B. COFFIN, Chairman Irrigation Committee.

The North Dakota delegates declared for Walter Muir, of Cass County, for president of the North Dakota Alliance, and deferred the election of their other officers and the completion of their organization.

[With the adjournment of this convention, the Farmers' Alliance of both states began an independent career, and the northern Alliance had already elected one United States senator, Mr. Casey, of Stutsman County. It will be further observed that many of the suggestions and declarations in the platform of the territorial Alliance have since been incorporated in substance in state and national laws and constitutions, from which it is proper and a matter of pride to infer that the Dakota organization occupied a leading position as the exponent of the tenets and purposes of the national organization.]

The officers chosen for the South Dakota Alliance were: H. L. Loucks, Clark, president; first vice president, A. D. Gardner, Black Hills; second vice president, C. A. Soderburg, Minnehaha County; secretary, Mrs. J. W. Harden, Jerauld County; board of directors, R. B. Bentley, Brown County, J. R. Lowe, of Brule County, D. M. Feurey, of Lake County.

#### ALLIANCE OF NORTH DAKOTA

The Farmers' Alliance held a session at Fargo, June 28th and 29th, following the convention at Huron. It was a Northern Dakota convention, and as explained in the call, the object of the meeting was "to consider the best means of promoting our interests in the new state organization." On the first day of the session President Loucks delivered an address covering quite fully the idea expressed in the call. His remarks were punctuated with approval by applause from the large audience, and when at the close he resumed his seat, the audience rose and gave him three hearty cheers. It was quite evident that a large majority of the delegates were in full accord with his views.

The platform adopted was substantially the same as that passed at the Huron convention, given in the report of that convention. A condensed report of the president's address stated that he advised the farmers that:

The first thing to be done by the farmers of Northern Dakota was to capture the state government. The speaker had been the secretary of the Farmers' Alliance in the houses of the Legislature, a member of the National Farmers' Alliance, and of the Congress, and both of the United States Senates. He would precede the superintendent of public instruction, to the newspapers the auditorship, to the business men the commissioner of public lands, and to the lawyers the attorney generalship and the judges. This would be an equitable distribution of the public office. His suggestions to other classes being generous and unselfish. He advised invoking the power of the Government for the correction of every evil where law would correct, and would have the Federal Government assume control of and operate all railroads, telegraph and express lines, and all other public necessities. He would abolish the national banking system, and have the Government issue directly to the people what money they need. The speaker also favored national and state prohibition, and woman suffrage.

It was currently reported at the convention in the summer of 1880 that the members that Mr. Loucks was to be the Farmers' Alliance candidate for United States senator from South Dakota.

The following special resolution was adopted, in addition to the platform:

Resolved, That the farmers and laborers of North Dakota, believing that God helps those who help themselves, pledge our most earnest efforts to assist in laying the foundation of our new and grand state, on a new and generous plan, and our most earnest efforts to secure a full representation at all primaries, and select such delegates as will, at the various conventions to which they are accredited, place in nomination men who are identified with our interests. That every legitimate interest is entitled to representation in all legislative bodies proportionate to its numbers. That it is the sentiment of this alliance that our objects can be best attained through the machinery of our respective parties, as we are in a large majority in both of them, and we have only to make systematic effort to possess them. That the use of proxies should be minimized. That in the interest of good government, we favor something similar to the Australian system of balloting. That we are in favor of equal rights and justice to all. That we demand of the democratic and republican central committees that they call state conventions not earlier than September 1st, nor later than September 12th, so that farmers may be able to attend.

That we regard with unfeigned displeasure efforts of certain of the press to defame the known, honored and trusted character of our officers and leaders. That the Jamestown Capital is the official paper of the alliance and we commend it to the farmers. We express entire sympathy with the sentiments expressed by Powderly in a letter to Loucks, read before the convention. We reaffirm the prohibition resolutions adopted at Jamestown, endorse President Loucks, recognizing in him an able, wise and conservative leader, who has not been defamed from a conspiracy of silence of his friends by four dishonest politicians.

The Scandinavians of North Dakota organized, at Fargo, in June, under the name of the Scandinavian Union of North Dakota, for the purpose of securing for themselves a more equal distribution of the offices under the forthcoming state government.

#### FARMERS' ALLIANCE—CAMPBELL'S SPEECH

General Campbell was not now in accord with the controlling forces in the republican party in 1880. More or less friction had existed between certain of the leaders and the general during all the long campaign for statehood. The general had taken a leading part and had met with many manifestations of popular favor, and had appeared to enjoy a comparative soft and easy command of all of the leaders of the party. At one period he seemed to have reached a commanding place in the confidence of the people. His course would indicate that he felt that what he had done had been rewarded by the masses. His position, which it might have indicated that he was safely riding on a popular wave, exposed him to the shafts of those who would essay his position, and it appeared early in 1880, that he felt that he was being crowded. That there were others to whom the people were willing to listen. In the election of delegates to the constitutional convention at Sioux Falls the next came in his home county, where he was defeated for delegate by an opponent who, but for a few days, was one of the judges being nominated over him. From that time the general seems to have adopted a new line of campaigning, for he was undoubtedly a receptive candidate for the



Senate or other high office. The general is next heard from at Huron, where a three days' session of the Alliance was held, beginning June 19th, President H. L. Loucks presiding. Hon. J. W. Harden, the democratic nominee for Congress in 1888, was present. It was to be an important meeting, and was expected to have an influence of considerable weight in the political events of the year. The theme discussed was the selection of senators and officers of the new states.

The brief report made of Mr. Louck's speech represented him as saying that:

The farmers should have both United States senators, both members of Congress, the governor and lieutenant governor, and the Legislature, and thought the auditorship should go to the press. He deprecated any third party movement, however, urged the farmers to adhere to the old parties, which they could control if they exerted their strength unitedly.

At the conclusion of Mr. Louck's address, General Campbell was called for. He was introduced by Mr. Loucks, who said that he was a lawyer of ability and a friend of the farmer. Mr. Campbell then spoke substantially as follows:

He saw before him men who are the sovereigns of South Dakota because they represent four-fifths of its people. You have the power to rule this new state if you choose to exercise such power. I see that you have come here with the quiet and solemn determination of men to lay your hands, as you have the right and duty to do, upon the springs of power and control them for the best good of yourselves, your families, and all the people of this great commonwealth. You are on the eve of a great battle. The question to be fought is this: "Shall this new state be organized and governed in the great interests of the great producing classes of the state, or the great corporations, boodlers and rings who have hitherto governed this territory?" The American Government was meant to be a government of the people, by the people and for the people. It has been so in name only, but not in truth. That this new government shall be so in truth, and not in name only, is the fight. You are now about to perform the great governmental act of founding a new commonwealth among the nations of the earth. You are to make a new state. What kind of a state shall it be? There are two kinds of states in the Union. In one the people rule, the taxes are light, debt small, expenditures economical, school fund safe, and the people, in fact as well as in name, elect their officers and frame their laws. In the other kind of a state rings and monopolies rule, taxes are heavy, debt enormous, expenditures outrageous, school funds wasted and stolen, and great rings and monopolies name the senators, judges and legislators, and frame and dictate the laws. Which kind of a state do you want here? Why should not the people who make the government make it their own government, and not the government of some ring and combination? This fight is the fight of the producer against the boodler. Shall the new government be the producers' government or the boodlers' government? You have adopted a good constitution, but it will be as worthless as a piece of brown paper unless you elect men who will enforce it. Make your own governors, senators, judges and legislators. Send your own servants and not some other person's servants to do your work and it will be done to suit you. Smash all slates, break all rings, and control the constitutional convention and the Legislature in your own interest. Elect your own man and own candidate for the office of president of the constitutional convention of the 4th of July next. There are abuses threatening this new state government which will either destroy you or you must destroy them. Extravagant appropriations such as that of \$40,000 for a militia encampment in this time of hardship. Judgeships, senatorships, are being traded for and parceled out like so much plunder among the forty thieves of Bagdad. Directors of public institutions are today awarding themselves contracts under fictitious names and auditing their own bills. Great corporations owned in other states now rule whole counties by fraud and force, and seek to dictate senators, judges and governors. What is your remedy?

This: That from this time the farmers in their respective parties go into every primary, caucus and convention, and nominate your friends and not your enemies, for all the offices from United States senator down to constable.

Hon. J. Burrows, of Nebraska, delivered an address the second day. Mr. Burrows was president of the National Alliance, and his speech was devoted to an explanation of the objects and desires of the Alliance throughout the country.

The following platform and resolutions were adopted:

1. All public necessities, so far as practicable, should be owned and controlled by the Government, and managed in such a way that no class should be allowed to exact unjust rates for the use thereof.

2. Our railroads should be so controlled by the Government as to be run in the interests of the people upon an actual cost basis.
3. The establishment of a monetary system, in which a circulating medium in necessary quantities shall issue directly to the people, without the intervention of banks; that the national issue shall be full legal tender in payment of all debts, public and private, and that the Government shall not recognize or guarantee any private banks or create any banking corporations.
4. Equal and just taxation.
5. Prohibition, state and national.
6. Election of United States senators by direct vote of the people.
7. Courts of arbitration, that justice, not precedent, may be given.
8. The Australian system of voting.
9. The abolition of the contract system by our national, state and municipal governments.
10. The prohibition, by law, of the employment of children under fifteen years of age in mines, factories or shops.
11. To prohibit the hiring out of convict labor.

Independent of the platform, the following resolutions were also adopted, and were intended to reflect the sentiments of the Knights of Labor:

Resolved, That we, the farmers and laborers of South Dakota, believe and most emphatically reiterate the saying that "God helps them that help themselves" and desire our most earnest efforts to assist in laying the foundation of our new and grand state on a broad and generous plane, and desire our mutual influence to secure a full representation at all primaries, county, district and state conventions, and secure to those who have been elected to represent us except such as are in full sympathy with our alliance platform, as well as men possessing the ability to prepare legislation that will insure our future and prosperity to the men that till the soil, as well as those who toil in the mines and shops, our "under God the people rule."

2. That it is the sentiment of this alliance that our object can be best attained through the machinery of our respective parties, as we are in a large measure in both of them and we have only to make a systematic effort to possess ourselves of them.

3. That we deem the use of proxies at all meetings and conventions as against good public policy and government, and strictly favor the abolishment of the proxy system, and request our central committees to state in their calls that no proxies will be accepted.

4. That in the interests of economy and justice we ask the constitutional convention to provide something similar to the Australian system of election for the election this fall, and also that they provide for holding the election for state and national officers on a different day from the election for the capital the constitution and the people's vote.

5. That we demand from the republican and democratic central committees that they call the state conventions not earlier than September 1st, nor later than September 10th, to the end that farmers may be able to attend.

6. That as a farmers' alliance we have taken no part in any capital schemes or investment companies.

Resolved, That as the Dakota Ruralist is the official paper of the Dakota Farmers' Alliance, that we will give it our financial support by subscribing and using our best efforts to get others to subscribe, for it. Be it further

Resolved, That we will not support any paper that is not in sympathy with the alliance movement and will not give it friendly support. Be it further

Resolved, That we consider it an insult to every member of the alliance for any paper to speak of our officers and leaders in a derogatory manner. We further declare that our motto shall be: "An injury to one is the concern of all."

A free trade resolution was then presented to the meeting, by Delegate Harden, as follows:

Resolved, That while we have a free market to sell in, we demand a free market to buy in.

The resolution was defeated by a large majority.

A committee of the Alliance also acted on a matter concerning the rainfall in Dakota in its bearing on crop cultivation. Sen. William M. Stewart, of Nevada, was in the territory that summer, as a committee from the Senate collecting information concerning climatic conditions, the amount of rainfall, etc., and this Alliance committee, headed by Maj. F. V. Bowman of Huron, furnished him with a report, of which the following is a copy:

1. The rainfall in certain limited sections of Dakota is not sufficient to insure the successful cultivation of farm crops.
2. We have no data from which to know the average rainfall, but from the reports of the United States signal service, to which we refer you, but would state that these reports are not altogether reliable, from the fact that our rains, in dry seasons especially, are quite local.
3. The only known source of water for artificial irrigation purposes for the greater portion of the state is the inexhaustible subterranean supply, which it has been demonstrated can be reached by artesian wells at a nominal cost. In the Black Hills country a supply can be reserved by a system of reservoirs, storing the water from mountain streams.
4. From observations of our citizens forming the earliest settlements of our country, it has been demonstrated that when we have heavy snow and rain, sufficient to fill our streams and lake beds, the rainfall increases, as the supply of water demonstrates.
5. If this supply of water can be kept up by artificial means it will certainly insure a continuation of rainfall.
6. By placing artesian wells at suitable points, as you may determine, it will keep those streams and lake beds filled.
7. Owing to the present need of rain in certain portions of this vast country, crops are somewhat suffering, we respectfully but earnestly request that you visit this country at your earliest convenience and give this question, which we deem of vital and national importance, your most careful consideration.

The next movement on the part of these gentlemen was at the constitutional convention at Sioux Falls about a fortnight later, when an effort was made to combine a portion of the Alliance men and a portion of the prohibitionists or anti-prohibitionists with the democrats and control the organization. The preliminary caucuses preceding that convention, which convened July 4th, reveal the failure of that effort.

The demands of the Alliance at this time included the election of United States senators by a direct vote of the people, the adoption of the Australian system of voting, which had been passed by the Legislature but vetoed. It was introduced, however, not by a farmer, but by Hon. Alexander Hughes, at that time a representative from Burleigh County. Other demands of the Alliance were the Government ownership of railroads; the abolition of banks, the Government to issue the money direct to the people. It will be confessed that public sentiment was inclined to favor most of these and other demands of the Dakota grangers, as they were called.

The association at this time and for a few years later would seem to have been speaking with a prophetic voice, possibly in part unconsciously, regarding political and economic changes that the future was to weave into the laws not only of the Dakotas but throughout the nation. The hand that guided the plow seems to have been writing up a new code. The hand and mind that guided the plow appears to have been meditating a peaceful revolution in the industrial world, through the instrumentality of the ballot box and the Legislature. The granger statesman had divined the source of political power in the republic to be connected with the ballot box and a free and enlightened people to use it conscientiously and intelligently. These granger ideas acted like leaven upon the other political parties. The granger seed germinated in the democratic and republican breast, and the time came when the modest plowman was obliged to witness the fruits of his harvest garnered by those who had borne but a slight share of the "heat and burthen of the day."



## CHAPTER CXIV

### SOUTH DAKOTA CONVENTIONS AND ELECTIONS

1889

GOVERNOR CALLS ELECTION—THE DATE OF THE CONSTITUTION OF 1858—CONSTITUTIONAL CONVENTION AT SIOUX FALLS—NAME OF DELEGATES—THE PROCEEDING—NORTH AND SOUTH DAKOTA TERRITORIAL GOVERNMENT—GOVERNOR CALLS FIRST STATE ELECTION—BOTH PARTIES HOLD CONVENTIONS AND NOMINATE STATE TICKETS AND LEGISLATIVE MEMBERS—PROHIBITIONISTS ACTIVE IN CAMPAIGN—REPUBLICANS CARRY THE STATE—FIRST STATE LEGISLATURE CONVENES AND ELECTS UNITED STATES SENATORS.

On the 15th of April, 1889, Governor McLaughlin issued the following order, ordering the election of delegates in South and North Dakota to elect delegates to two constitutional conventions, and for other purposes. That portion of the proclamation relating to South Dakota reads as follows:

It is ordered that on May 14, 1889, an election shall be held in the several precincts in each election precinct in all that portion of the Territory of Dakota situated within the 7th standard parallel produced due west to the boundary line of the said territory, for the purpose of electing seventy-five delegates to a constitutional convention for the State of South Dakota, and at the election then provided each elector may vote either at pleasure on his ballot the words,

"For the Sioux Falls Constitution," or the words,

"Against the Sioux Falls Constitution,"

the votes on which question shall be duly returned and canvassed.

The convention of delegates so chosen shall assemble at the City of Sioux Falls, July 4, 1889, and in case the majority of votes cast at the preceding election shall have been "For the Sioux Falls Constitution," such convention shall resubmit, for ratification or rejection, the said Sioux Falls constitution, at an election to be held on Tuesday, October 1, 1889, and shall also resubmit the act relating to the temporary location of the capital, together with such changes of said constitution only as relate to the name and boundary of the State of Dakota, the reapportionment of the judicial and legislative districts, and such amendments as may be necessary to comply with the act of Congress hereinbefore mentioned.

But if a majority of the votes shall have been cast "Against the Sioux Falls Constitution," on the 14th day of May aforesaid, then the convention shall proceed to form a constitution and state government to be submitted to the electors of the said State of South Dakota for ratification or rejection at an election to be held for that purpose on Tuesday, October 1, 1889.

At the election herein provided for delegates to the constitutional conventions for the states of South Dakota and North Dakota, no elector shall vote for more than two persons for delegates to such conventions. All persons resident in the Territory of Dakota who by the laws of said territory are qualified to vote for representatives to the legislative assemblies thereof are competent to vote for and choose such delegates. The qualifications for delegates to the conventions to be thus formed are such as persons are required to possess by the laws of Dakota Territory in order to be eligible to membership in the legislative assemblies thereof.

The said elections shall be conducted and the votes cast for delegates in each precinct returned in the manner prescribed by the laws for the election of delegate to Congress.

For the purposes of this election the territory had been divided into election districts, twenty-five in North Dakota, and twenty-five in South Dakota, as required by the enabling act. This duty was performed by Governor McLaughlin, Chief Justice Tripp and Secretary Richardson. The election was held to elect delegates, but no elector was allowed to vote for more than two, which was to enable the minority party to obtain representation.

The formation of the several districts of South Dakota is given herewith:

First—The counties of Pennington, Custer and Fall River.

Second—The precincts comprised of the First, Second, Third and Fourth wards of the City of Deadwood, respectively, together with the precincts of Lead City, South Lead, Terraville, Gaville, Central City, Golden Gate, Carbonate, Bald Mountain, Portland, Ruby Basin, Woodville, Spearfish, Reeds, Crow Creek, Crow Peak and Bear's Gulch, all in the County of Lawrence.

Third—All that portion of the County of Lawrence not above specified as constituting the Second district, together with the counties of Butte, Burdick, Ewing and Harding.

Fourth—The counties of Roberts, Grant and Deuel.

Fifth—The counties of Marshall and Day.

Sixth—The voting precincts of Palmyra, Osceola, Savo, Liberty, Portage, Allison, Frederick, Greenland, Lansing, Detroit, Oneota, Brainard, Shelby, Carlisle, Westport, Columbia and Claremont in the County of Brown, together with the counties of McPherson and Campbell.

Seventh—All that portion of the County of Brown not included in District No. 6, above described.

Eighth—The counties of Walworth, Edmunds and Faulk.

Ninth—The County of Spink.

Tenth—The counties of Potter, Sully, Hughes and Hyde.

Eleventh—The counties of Hand, Buffalo and Jerauld.

Twelfth—The counties of Aurora and Brule.

Thirteenth—The County of Beadle and that portion of the County of Sanborn lying east of the west line of range 60.

Fourteenth—The County of Clark and that portion of the County of Kingsbury lying west of the west line of range 55, and townships No. 109 and 110, range 55, in said County of Kingsbury.

Fifteenth—The counties of Codington and Hamlin.

Sixteenth—The County of Brookings and that portion of the County of Kingsbury not included in District No. 15 above described.

Seventeenth—The counties of Miner and Lake.

Eighteenth—The County of Moody and all that portion of Minnehaha County lying north of the north line of township No. 101.

Nineteenth—All that portion of Minnehaha County not included in District No. 18, as above described.

Twentieth—The County of Lincoln and that portion of the County of Turner lying east of the west line of range 53.

Twenty-first—The counties of Clay and Union.

Twenty-second—The County of Yankton and that portion of the County of Hutchinson lying east of the west line of range 58, except that portion of Milltown Precinct No. 8 contained therein.

Twenty-third—The counties of Charles Mix, Bon Homme and all that portion of the County of Hutchinson not included in District No. 22 above described.

Twenty-fourth—The counties of Davison and Douglas and all that portion of the County of Sanborn not included in District No. 13, above described.

Twenty-fifth—The counties of Hanson and McCook, and all that portion of the County of Turner not included in District No. 20 above described.

The governor issued a proclamation June 22d giving the names of the delegates elected to the state conventions.

The official vote in South Dakota, May 14, gave 37,710 votes cast for the Sioux Falls constitution, and 3,413 against it, a total of 41,123, just about one-half the vote. There was no effort made to get out the vote, and as the South Dakota voters felt that practically there was a solid sentiment for the Sioux Falls constitution, there was nothing to arouse popular interest. The election came at a time when the farmers were in the midst of their spring work, which it has been

found invariably works to the disadvantage of a full vote, and a full vote lacks usually 15 or 20 per cent of all the voters.

The governor also gave a list of the citizens elected as delegates to the constitutional conventions in both the Dakotas. Those chosen for South Dakota were:

First District—Sanford Parker, Valentine V. McGillicuddy, Chauncey L. Wood. Second District—Dighton Corson, William S. O'Brien, Charles M. Thomas. Third District—S. A. Wheeler, Thomas W. Thompson, John Scalard. Fourth District—William McCusick, Henry Neill, C. R. Westcott. Fifth District—William Coak, W. G. Dickenson, Geo. H. Culver. Sixth District—Martin R. Henninger, Lyman T. Boucher, Harry T. Craig. Seventh District—C. T. Brott, Wm. Stoddard, M. H. Stroupe. Eighth District—H. A. Humphrey, J. G. Davies, Peter Couchman. Ninth District—J. F. Wood, Thomas Sterling, T. W. P. Lee. Tenth District—John F. Whitlock, David Hall, C. H. Price. Eleventh District—C. G. Hartley, S. F. Huntley, R. C. Anderson. Twelfth District—A. J. Kellam, S. A. Willis, H. G. Fellows. Thirteenth District—C. H. VanTassel, L. H. Hole, George C. Cooper. Fourteenth District—Carl G. Sherwood, W. H. Matson, J. D. Jeffries. Fifteenth District—E. E. Clough, S. S. Peck, S. B. Van Buskirk. Sixteenth District—F. Atkinson, F. R. Spooner, Joshua Downing. Seventeenth District—H. W. Eddy, F. G. Young, R. E. Lyons. Eighteenth District—Andrew J. Berdahl, H. M. Williamson, C. S. Gifford. Nineteenth District—Wm. Van Eps, Clark G. Coats, F. W. Caldwell. Twentieth District—William Elliott, A. B. McFarland, J. A. Fowler. Twenty-first District—John L. Jolley, A. O. Ringsrud, Col. J. Kimball. Twenty-second District—Edward G. Edgerton, Christian Buechler, C. J. B. Harris. Twenty-third District—William T. Williams, Robert A. Smith, Joseph Zitka. Twenty-fourth District—A. J. Edgerton, Charles A. Houlton, S. A. Ramsey. Twenty-fifth District—W. H. Goddard, W. H. Murphy, T. F. Diefendorf.

The South Dakota constitutional convention assembled at Sioux Falls July 4th, at noon, as provided in the enabling act. Sioux Falls was celebrating the day, and while the delegates were all on the ground, they were not in a humor for convention duties, with so much enthusiasm, gaudy and fluttering flags about them or within sight and hearing. A caucus had been held which had agreed upon A. J. Edgerton for president of the convention, and F. W. Caldwell for temporary secretary, and when the convention assembled, Dighton Corson, of Lawrence County, a member of the convention of 1885, called the body to order. Reverend Doctor Stratton, of the Congregational Church, offered prayer, and then the proclamation of the governor calling the convention was read. The roll call was answered by all the members except five, who were known to be in the city. Judge Thomas, of Lawrence County, was present, but declined to act as a delegate, holding that his official position made him ineligible.

The oath of office was then administered by Chief Justice Burton Epp, who was president of the constitutional convention of 1885. Dr. F. R. Spooner, of the Sixteenth district, then nominated A. J. Edgerton, of Marshall, for president of the convention, and Charles H. Price nominated S. A. Van Buskirk, of Watertown, but the latter declined, and Edgerton was unanimously chosen and escorted to the chair by Doctor Spooner and Mr. Van Buskirk. F. W. Caldwell was elected temporary secretary. An adjournment was then taken until 2 o'clock Friday afternoon, without completing the organization.

On reassembling, Major Kellart, of Chamberlain, called to order. President Edgerton having been called away. Prayer was offered by Reverend Mr. Wakefield, of Aurora County. There were seventy-three of the seventy-five delegates present.



Secretary Caldwell read the following telegrams:

Bismarck, Dakota, July 4, 1889.

To Constitutional Convention, Sioux Falls, Dakota:

The constitutional convention of North Dakota sends greeting and bids you God-speed in your advance movement toward statehood and full American citizenship. May the four new stars about to be added to the national flag not lose in brilliancy through lack of care in laying the foundations of states to be. Let Washington bring fruit and flowers, Montana its precious metals to add to the beauty and wealth of the nation, while the Dakotas will bring wheat and corn to feed the people of the world.

F. B. FANCHER, President.

Olympia, Washington Territory, July 4, 1889.

To A. J. Edgerton, President, Sioux Falls, Dakota:

The Washington constitutional convention returns greeting to South Dakota convention. The time is auspicious. The empire state of the Pacific Northwest will join her sister in every onward development.

J. C. MOORE, Chairman.

The convention then completed its organization by the election of the following officers:

Rev. F. A. Burdick (republican), of Yankton, and W. W. Goddard (democrat), of Sioux Falls, were placed in nomination for chief clerk. The vote resulted: Burdick, 50; Goddard, 21. Burdick was declared elected.

For enrolling and engrossing clerk, Dr. A. W. Hyde (republican), of Brookings, and James Kingsbury (democrat), of Yankton, were nominated. Hyde was elected, 50 to 19.

For sergeant-at-arms, James Carney (republican), of Lawrence, and W. T. Buchanan (democrat), of Minnehaha, were nominated. Mr. Carney was elected, 50 to 21.

E. C. Warner, of Day County, was elected watchman, there being no other candidate.

For messenger, Frank Hoppin (republican), and P. T. Durlinger (democrat), both of Hand County, were nominated. Hoppin was elected, 48 to 23.

For chaplain, Rev. J. A. Wakefield, of Aurora, and Bishop Hare, of Sioux Falls, were nominated. The vote resulted: Wakefield, 45; Hare, 26. Mr. Wakefield was declared elected, and the list of officers to be chosen was completed.

Delegate Carl G. Sherwood, of the Fourteenth district, presented a resolution proclaiming that the constitutional convention of South Dakota, now being organized, declares in favor of the adoption of the Constitution of the United States. The resolution was unanimously adopted by a rising vote.

Mr. Jolley, of Clay County, from the Committee on Rules, reported:

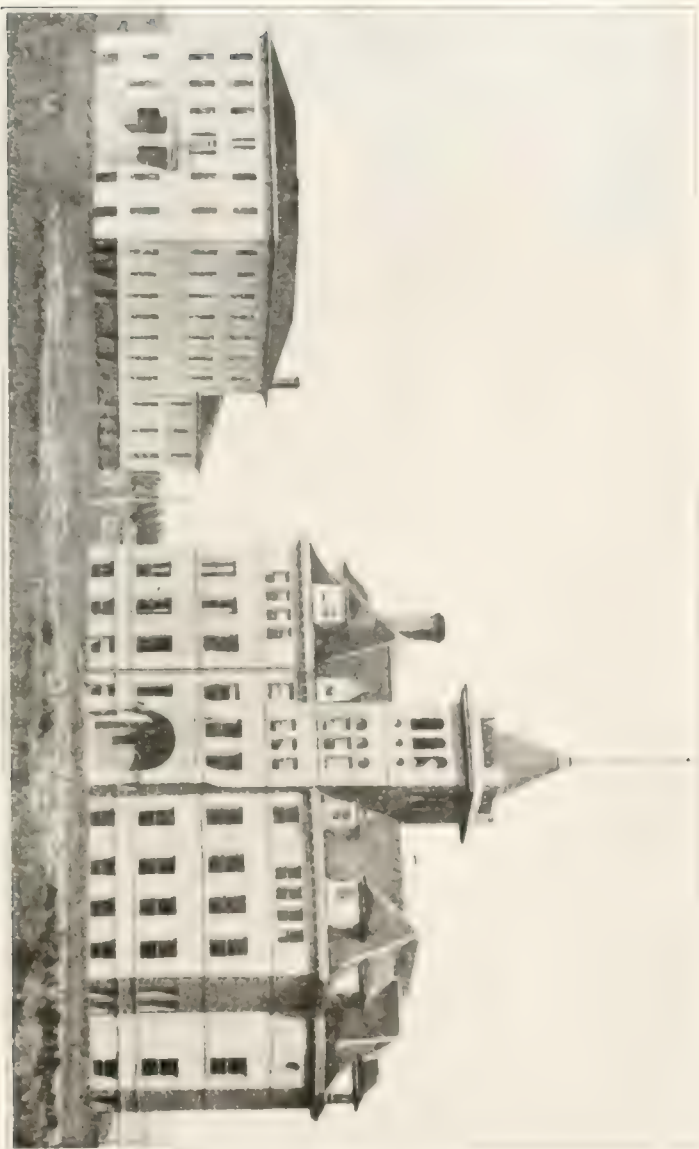
That the joint commission on the part of South Dakota to visit Bismarck and determine the division of the territorial property and debts shall consist of seven members, to be appointed by the president, and that it shall be empowered to employ a clerk and such other assistance as may be needed.

Mr. Jolley stated that the committee did not deem it prudent to consult the convention of North Dakota before determining the number of delegates that should constitute the commission.

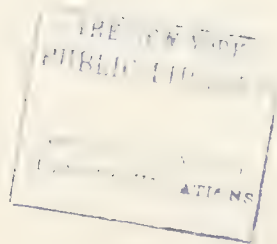
Mr. Clough, of Codington, justified the size of the commission. He thought there should be the moral force of numbers behind it. If only three delegates were placed upon the commission the responsibility would be too great, and though the work was never so equitable, it might operate to the injury of the members of the commission individually.

Mr. Peck, of Hamlin, moved that the report be received and the committee discharged but the report not adopted. He wanted a day's time to cogitate on the report.

Mr. Jolley said it would be a mark of discourtesy not to act upon the report at this time, when the convention had asked to have it made. After discussion in which it became apparent that there was formidable opposition to the report,



McGOWAN LUTHERAN COLLEGE, ANSON  
Founded in 1888





Mr. Jolley said the committee was willing to make the report a special order for today.

Mr. Price, of Hyde, thought it very doubtful whether the president of the convention had the power to name the commission. He believed the convention, under the provision of the act of Congress, may be required to select the commission.

The report was then made a special order for the following day.

Mr. Price, of Hyde, then addressed the convention in reference to the division line of the territory. He said there were two distinct and well defined 7th standard parallels, and that a commission consisting of three delegates, to confer with a similar commission from the North Dakota convention, should be appointed, with a view to determining definitely the boundary line between North and South Dakota. The speaker received a cheering from the twelve hundred of the territory, to prove that the boundary line was a question of dispute. The motion of Mr. Price, the boundary line question was referred to the Committee on Boundary.

The following telegram was then read by the chief clerk:

To Hon. A. J. Edgerton, Sioux Falls, Dakota:

Montana, standing on the threshold of statehood, reciprocates your cordial greeting and indulges the hope that the constitution which you have met to form may be based upon the virtues and intelligence of the people, and when so formed it may survive the years to come in all its vigor, unimpaired, until a schismatic movement may well have been welded into one confederacy, there to remain an indestructible and indissoluble union.

J. K. TOOLE, Temporary President.

In committee of the whole, the consideration of the report of the Committee on Rules was considered, with reference to the number of the joint commission to visit Bismarck and the North Dakota convention and agree upon a division of the territorial property and obligations. The report of the committee favored the adoption of the report made by Mr. Jolley and it was unanimously adopted.

A resolution of the Committee on Rules reported the number of delegates to be appointed on each standing committee, which was adopted. There were thirty-one standing committees provided for.

The privileges of the floor were extended to Hon. Hugh J. Campbell and Hon. G. C. Moody, of Deadwood, delegates to the original constitutional convention.

Ivan W. Goodner, of Huron, and Elston G. Brown, of Sioux Falls, were employed as stenographers to the convention. The convention adjourned until the afternoon of Monday, the 7th.

At the Monday's session the commission appointed to negotiate a division of the territorial property and public debt with the North Dakota convention was announced by the president as follows: A. J. Kellam, of Hyde County; V. A. McCallumby, of Pennington; Henry Hall, of Grant; E. W. Caldwell, of Minnehaha; William Elson, of Lincoln; Al Price, of Hyde; C. E. Stuart, of Brown. The last two named were democrats, the others republicans.

On the seventh day of the convention, July sixth, the president announced the standing committees. In doing so he stated that he did not expect that he had pleased all the delegates, that it was just to an minority. He had, however, done the best he possibly could. The list was announced as follows:

On Congressional and Legislative Apportionment: Moses Van Tuyl, of Sanborn County; Parker, of Fall River; O'Brien, of Lawrence; Thompson, of Lawrence; McCusick, of Roberts; Nelson, of Minnehaha; Thompson, of Brown; Stroupe, of Brown; Dwyer, of Lincoln; Lee, of Spear; Hall, of Sully; Humby, of Jerauld; Wells, of Aurora; Munson, of Kingsbury; Church, of Codington; Atkinson, of Minnehaha; Lewis, of Minn.; Williamson, of Moody; Coon, of Minnehaha; Bowles, of Lincoln; Bremer, of Union; Johnson, of Yankton; Zitka, of Bon Homme; Houston, of Douglas; Lindemann, of McCook.

Judiciary—Sterling, of Spink; Humphrey, of Faulk; Williams, of Bon Homme; Cooper, of Beadle; Ramsey, of Sanborn; Corson, of Lawrence; Wood, of Pennington; Sherwood, of Clark; Van Buskirk, of Codington; Berdahl, of Minnehaha; Eddy, of Miner; Harris, of Yankton; Fellows, of Aurora.

Schedule—Hole, of Beadle; Jolley, of Clay; Spooner, of Kingsbury; Scollard, of Meade; Westcott, of Deuel; Dickinson, of Day; Boucher, of McPherson; Stoddard, of Brown; Couchman, of Walworth; Wood, of Spink; Whitlock, of Potter; Hartley, of Hand; Fellows, of Aurora; Jeffries, of Clark; Peck, of Hamlin; Parker, of Fall River; Corson, of Lawrence; Berdahl, of Minnehaha; Van Eps, of Minnehaha; Buechler, of Hutchinson; Smith, of Charles Mix; Ramsey, of Sanborn; Murphy, of Hanson; McFarland, of Lincoln; Eddy, of Miner.

Name, Boundary and Seat of Government—Stroupe, of Brown; Edgerton, of Yankton; Van Eps, of Minnehaha; Kimball, of Clay; Murphy, of Hanson; Williams, of Bon Homme; Wheeler, of Butte.

State, County and Municipal Indebtedness—Sherwood, of Clark; Jolley, of Clay; Van Eps, of Minnehaha; Ramsey, of Sanborn; Diefendorf, of McCook; Lee, of Spink; Spooner, of Kingsbury; Stroupe, of Brown; Clough, of Codington.

Executive and Administrative—Westcott, of Deuel; Dickinson, of Day; Craig, of Campbell; Anderson, of Hand; Downing, of Brookings; Gifford, of Minnehaha; Murphy, of Minnehaha; Murphy, of Hanson.

Legislative—McFarland, of Lincoln; Ramsey, of Sanborn; Zitka, of Bon Homme; Jolley, of Clay; Cook, of Marshall; Coats, of Minnehaha; Lyons, of Miner.

Bill of Rights—Spooner, of Kingsbury; Van Buskirk, of Codington; Jeffries, of Clark; Henninger, of Brown; Dickinson, of Day.

Election and Suffrage—Stoddard, of Brown; Craig, of Campbell; Cook, of Marshall; Westcott, of Deuel; Scollard, of Meade; O'Brien, of Lawrence; Whitlock, of Potter.

Federal Relations—Murphy, of Hanson; Houlton, of Douglas; Sherwood, of Clark; Harris, of Yankton; Kimball, of Clay.

Education and School Lands—Coats, of Minnehaha; Humphrey, of Faulk; Williamson, of Moody; Young, of Lake; Downing, of Brookings; Peck, of Hamlin; Matson, of Kingsbury; Culver, of Marshall; Huntley, of Jerauld.

Municipal Corporations—Hall, of Sully; Wood, of Spink; Atkinson, of Brookings; Cooper, of Beadle; Fellows, of Aurora.

Corporations Other than Banking and Municipal—Dickinson, of Day; Thompson, of Lawrence; Stroupe, of Brown; Goddard, of McCook; Jolley, of Clay; Whitlock, of Potter; Van Buskirk, of Codington.

County and Township Organization—Whitlock, of Potter; Atkinson, of Brookings; Eddy, of Miner; Berdahl, of Minnehaha; Ramsey, of Sanborn; Culver, of Marshall; Fellows, of Aurora.

Revenue and Finance—Goddard, of McCook; Houlton, of Douglas; Zitka, of Bon Homme; Harris, of Yankton; Ringsrud, of Union; Van Eps, of Minnehaha; Boucher, of McPherson.

Public Accounts and Expenditures—Ringsrud, of Union; Scollard, of Meade; Williams, of Bon Homme; Williams, of Moody; Henninger, of Brown; Davies, of Edmunds; Willis, of Aurora.

State Institutions and Public Buildings—Young, of Lake; Van Eps, of Minnehaha; Hartley, of Hand; Downing, of Brookings; Wood, of Pennington; Smith, of Charles Mix; Wood, of Spink; Anderson, of Hand; Buechler, of Hutchinson.

Mines, Mining and Water Rights—O'Brien, of Lawrence; Parker, of Fall River; Wheeler, of Butte; Young, of Lake; Jeffries, of Clark; Couchman, of Walworth; Fowler, of Lincoln.

Roads, Bridges and Other Internal Improvements—Smith, of Charles Mix; Ringsrud, of Union; Berdahl, of Minnehaha; Atkinson, of Brookings; Anderson, of Hand; Conklin, of Walworth; Craig, of Cassel.

Exemptions—Buehler, of Hutchinson; Fowler, of Lincoln; Coats, of Minnehaha; Lyons, of Lake; Hale, of Atkinson; Jeffries, of Clark; Ganser, of Smith; Culver, of Marshall; Henninger, of Brown.

Rights of Married Women—Wills, of Aurora; Hall, of Sully; Davis, of Edmunds; Craig, of Cassel; Wheeler, of Butte; Thompson, of Lawrence; Dieffendorf, of McCook.

Banking and Currency—Davis, of Edmunds; Humbley, of Irons; McCusick, of Roberts; Gifford, of Minnehaha; McFarland, of Lincoln; Jewell, of Hutchinson; Ramsey, of Sanborn.

Military Affairs—Gough, of Colington; Matson, of Kimball; Lee, of Spink; McCusick, of Roberts; Zinke, of Bon Homme; Goldfarb, of McCook; Kimball, of Clay.

Amendment and Revision of the Constitution—Boucher, of McPherson; Stoddard, of Brown; Cook, of Marshall; O'Brien, of Lawrence; Downing, of Brookings; Gifford, of Minnehaha; Harris, of Yankton.

Printing—Humphrey, of Hank; Hale, of Beadle; Sterling, of Spink; Conklin, of Walworth; Hall, of Sully.

Seal—Houlton, of Douglas; Ziska, of Bon Homme; Kimball, of Clay; McCusick, of Roberts; Scollard, of Meade; Humphrey, of Hank; Wood, of Spink.

Miscellaneous Subjects—Liddy, of Miner; Van Tassel, of Sanborn; Hartley, of Hand; Cook, of Marshall; Stoddard, of Brown; Williams, of Bon Homme; Parker, of Fall River.

Compensation of Public Officers—Williamson, of Moody; Bowles, of Lincoln; McCusick, of Roberts; Anderson, of Hand; Spooner, of Kingsbury; Thompson, of Lawrence; Wood, of Pennington.

Arrangement and Phraseology—Corson, of Lawrence; Goldfarb, of McCook; Boucher, of McPherson; Willis, of Aurora; Cooper, of Beadle; Matson, of Kingsbury; Van Burskirk, of Colington; Wood, of Pennington; Young, of Lake.

Manufactures and Agriculture—Lee, of Spink; Whitlock, of Potter; Westcott, of Deuel; Lyons, of Miner; Gifford, of Minnehaha; Kimball, of Clay; Edgerton, of Yankton; Dieffendorf, of McCook; Smith, of Charles Mix.

Expenses of the Convention—Humbley, of Irons; Parker, of Fall River; Fellows, of Aurora; Jeffries, of Clark; Williamson, of Moody; McFarland, of Lincoln; Sherwood, of Clark.

Engrossment and Enrollment—Hartley, of Hand; Peck, of Hamlin; Evans, of Lake; Berdahl, of Minnehaha; Wheeler, of Butte.

A memorial was presented by Delegate Williams, of Bon Homme County, signed by thirty-six native Russians who have located in South Dakota, praying that in the constitution provision and immunities be granted them from military service. They state that "they left their native country to escape military duty because they are indignantly opposed to taking up arms, going to the field of battle and killing one another." That while the Constitution of the United States protects its citizens, it leaves them subject to military duty in time of war." Their memorial says further:

We profess the same religion, the same and are engaged in the same trade, we are and go to war and die. We have the same wishes, the same mind as the subject to fight with us. We are willing to go to the support and defense of our country and its citizens from the laws of the land, not conflicting with the will of the Government, but we have come here for the relief we now ask.

The memorial was referred to the Committee on Military Affairs.

Various motions and resolutions pertaining to the general routine were referred to the appropriate standing committees. It was agreed that the business of the convention would be brief for a number of days in order that the com-



mittees might employ their time on the various constitutional subjects referred to them.

The convention then proceeded to refer the various parts of the constitution to appropriate committees, and while this was being done two or three amendments were offered to the constitution. This brought up the question whether the convention could amend the constitution further than had been required by the enabling act, that constitution having already been adopted. Judge Edgerton took the floor and admonished the convention that they could go no farther with amendments than those specified in the act of Congress under which they were assembled, and any amendment not permitted by the enabling act would result in the President's declining to recognize it, and a long delay would be the result. On the part of a large element in the convention it was contended that the reference of the 1885 constitution to committees did not necessarily imply that amendments would be made. That it was necessary to readopt the constitution now as in past conventions, article by article and section by section, although no amendments were contemplated. They were opposed to making any amendments except those provided in the omnibus bill, to-wit, changing the name, dividing the debts and records, fixing the boundary, and reapportioning the legislative and judicial districts, yet contended that there was but one way to readopt the constitution, and that was the way the convention was proceeding upon.

Mr. Lee, of Spink, a plain, blunt man, said he could see no sense in contemplating for a moment the consideration in the committee of any of the articles in the constitution. That it was a waste of time in view of the fact that Congress had limited the amendments to be made, in case the people voted to ratify the constitution, which they had already done in connection with the election of delegates to this convention, and he believed that the convention should take primary action on all amendments offered, and not refer any part of such amendments to committees.

President Edgerton finally withdrew his suggestion, and the reading and reference proceeded.

When at article 24, prohibition was reached, Mr. Corson, of Lawrence County, moved a suspension of further proceedings under the rule until tomorrow, when the question of just what the convention may do in the way of amendments may be definitely determined. He said the omnibus bill provided that the constitution of 1885, ratified on May 14th last, shall be resubmitted on the 1st of next October. Not a constitution this convention may frame, or the one under consideration in amended form, but the constitution already made and ratified. He thought this the most important question which could come before the convention, and exactly what may and may not be done under the provisions of the omnibus bill should be known beyond the shadow of doubt before further proceedings were had.

Further discussion followed, a number of the delegates speaking, and all agreeing that it was not the intention to amend. It was simply a question whether the work was to be done by comparison, or as it was done originally. The contention was that the order under which the convention was proceeding was the only proper way to proceed.

Mr. Corson moved a reconsideration of the vote by which the reading of the constitution and reference to committees was made a special order for this day, and asked that this motion and the one he made previously go over until the following day. The motion was adopted.

The convention then adjourned until 2 o'clock the following day.

On the tenth day of the session, July 13th, a memorial to the President of the United States was presented by Mr. Humphreys, from the Committee on School Lands, requesting the President to direct that all proceedings relating to the entry of or issuance of patent to alleged mineral or coal lands situated within the agricultural districts of South Dakota be postponed and stayed until the state is by proclamation of the President declared admitted, and until the

Legislature of the state have an opportunity to spend the money, and therefore, and provide by law for exercising the right to make use of the land obtain from the Government patents to such lands.

The motion for the adoption of the memorial led to a lengthy discussion, based principally on the propriety of addressing the President on the subject. It was alleged that some of the oil and coal lands were being granted for mineral with a view of claiming them under the mineral land laws, without, however, definitely determining their mineral character. Finally a vote was taken and the memorial adopted by a vote of 36 to 24.

The business pending when the convention adjourned the previous day—the reading of the constitution and its ratification by articles to which it was resumed and completed without further question. The matter had been previously considered over night, and the conclusion reached that it could do no harm, and would furnish legitimate employment for the delegates, while awaiting the report of the joint conference on the proposed amendments, in dividing the territory and records of the territory equitably between the two states.

Mr. Clough, of Codington, presented a memorial from the ministerial association of South Dakota, asking that sufficient time be allowed them to be received, and that the election for the Governor of the state be held on another day than that on which the constitution is voted upon. The memorial was referred.

Mr. Boucher, of McPherson, offered a declaration, which was referred to the Committee of Federal Relations, declaring:

That perfect toleration of religious sentiment shall be secured, and that no person shall be molested in person or property on account of his or her race or color. That the people inhabiting this state forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within the state owned or held by any Indians. That the lands belonging to citizens of the United States residing without the state shall never be taxed at a higher rate than the lands belonging to residents of the state. That the Legislature shall provide a system of public schools which shall be open to all the children of the state and free from sectarian control. This proposition is in accordance with the requirements of the omnibus bill.

The session on Monday, the thirteenth day, was quite brief, and the attendance at the opening not more than one-half the delegates. An effort was made to reconsider the vote adopting the memorial to the President relating to school lands, for the purpose, it was claimed, of correcting its phraseology, but it failed by the narrow margin of two votes. A number of the absent delegates came in during the session, until those present and voting numbered fifty-two. Seven of the absent were away on duty to North Dakota.

On the fourteenth and fifteenth days there was no business transacted of moment, the convention simply meeting, announcing a readiness for business, but none appearing, adjournment was taken.

On the sixteenth day, Delegate Willis, of Aurora, introduced a resolution, instructing the judiciary committee to examine and report to the convention whether or not, in their judgment, any portion of the Sundry appropriation made by the Government for the expenses of this convention can be used to defray the expenses of the May and October elections. The resolution was adopted.

On motion of Mr. Westcott, of Deuel County, the roll of the standing committees was called in order to give to the committees which are ready to report, an opportunity to do so.

The Committee on Amendments and Revision of the Constitution, to whom was referred article 23 of the constitution, reported that they had examined said article and found no change necessary to make it conform to the omnibus bill, and recommended that it be submitted as originally drawn. The executive and administrative committee made a similar report regarding the article referred to it, and the two reports were made a special order for a later hour.

Communications relating to the liquor question and an invitation from the warden of the penitentiary to the delegates, or to the convention, to visit the institution in a body, were presented.

Mr. Sterling from the judiciary reported on the resolution inquiring whether any portion of the \$20,000 appropriation could be used to defray election expenses, that no part of the appropriation could be used for such a purpose.

Several members of the constitutional convention of 1885, through Delegate Sherwood asked whether they would now be permitted to sign said constitution, which they did not do at the time of its adoption. The request was referred to the judiciary committee.

A number of formal reports were received from the committee having in charge certain articles of the constitution, all of whom found no change necessary to make them conformable to the omnibus bill.

On the seventeenth day there were a number of committee reports announcing no change. The Committee on the Bill of Rights, however, varied this monotony for the first time by presenting a report that they had amended or would recommend the amendment of the article by the insertion of the word "South," before the word "Dakota," to make the article meet the requirements of the omnibus bill.

Reports were submitted by Mr. Spooner and Mr. Williamson from the Committee on Compensation of Public Officers, Mr. Boucher from Committee on Amendments and Revision, Mr. Ringsrud from Committee on Public Accounts, announcing no change.

The judiciary committee reported a resolution dividing the state into eight judicial districts, describing them by counties. The report after much discussion was adopted, but a minority report was suggested in order to bring the matter before a full convention.

On the eighteenth day reports were submitted from the special committee on signing the bill of rights, Mr. Stoddard on election and suffrage, by Mr. Eddy on miscellaneous subjects, Mr. Lee on manufactories, by Mr. McFarland from legislative committee, from Mr. Davies on banking and currency, from Mr. Westcott on executive and administrative, from Mr. Buechler from exemptions, all of which reported no change.

Mr. Humphrey from the Committee on Education and School Lands, reported that section 5, article 7, of the Sioux Falls constitution provides that no land shall be sold for less than the appraised value, and in no case for less than \$10 an acre, unless after the year 1890, two consecutive Legislatures concur in a law otherwise directing. The qualifying clause beginning with the word "unless" is stricken out by the committee.

Mr. Young from state institutions and public buildings, reported the prefix "South" before the word "Dakota," in article 14.

Delegate Clough, from military affairs, reported the word "South" prefixed to the word "Dakota." This committee also reported on the petition of Jacob Schnaidt and other Russian citizens, declaring that it is not possible for this convention to amend the article so as to exempt them from military duty.

Mr. Sterling, from the judiciary committee, reported on the resolutions relating to the formal acceptance of land grants from the Government and without determining the necessity for formally accepting such grants, the committee recommend that a section be incorporated in the constitution formally accepting such grants. From the same as to the signing of the constitution of 1885 by delegates who neglected to sign that document at the time of its adoption, the committee are of the opinion that the convention has no authority to grant permission to such persons to affix their signatures to the document at this late day.

Mr. Sterling introduced an amendment to the report of the Committee on School Lands, which provided for leasing said lands for periods of not more than five years, in quantities not exceeding one section to any one person or company. All rents to be paid annually and all leases to be approved by the governor.

Colonel Clough asked every veteran of the Union army who are members of the convention to give him in writing his name, together with the rank held, the regiment and company.





wards the Meyer survey was ignored and M. T. Wooley and C. H. Bates went into the field and corrected his error by carrying up the lines from the 6th standard parallel, and correctly locating the 7th standard parallel within the Sisseton reservation. Subsequently E. D. Palmer, deputy surveyor, took up the corrected line of the 7th standard and carried it westward to the Missouri River.

The following excerpt from a letter written officially by the surveyor general of Dakota in reply to a letter of inquiry from Deputy Surveyor Ed Palmer would seem to be sufficient authority to permanently settle the boundary line question. The surveyor general says:

When the error of C. C. P. Meyer was finally discovered, the Meyer survey was disregarded, and the system was newly projected from the Minnesota surveys by those excellent surveyors, Charles H. Bates and M. T. Woolley. Hence, so far as the public land surveys are concerned, the 7th standard, as continued by Mr. Reeves from the Minnesota surveys of 1870, and subsequently produced westward by Mr. Woolley in 1872, correcting the Meyer error, and by yourself (Palmer) in 1874, is not in any way affected by the Meyer survey of 1865, or Mr. Barrett's reservation surveys, of 1868-69, but is in proper position, and in its capacity as a boundary line will doubtless be continued over the reservation in due time.

Messrs. Stewart and Reagan, the senators who had been investigating the question of rainfall and irrigation in Dakota in 1889, felt great interest in Dakota probably more than in any other section examined by them. Senator Stewart in stating his views to the Chicago Inter-Ocean said:

The most striking fact in the two Dakotas is the astonishing belt of artesian water which underlies, to all appearances, fully one-third of South Dakota—the central portion—and spreads widely over North Dakota. So strongly had this phenomenon impressed the senators that they had concluded to urge the sending into the twin Dakotas a corps of competent engineers and geologists to examine and survey the artesian belt. They also declared their adhesion to the policy of urging appropriations for a sufficient number of artesian wells to systematically develop, if possible, the average depth of bore, nature of strata, extent of water belt, expense of boring, nature of water found and other important facts.

Mr. Stewart was strongly inclined to accept the view that the great artesian basin of Dakota finds its sources of supply in the melting snows of the Rocky Mountains. Senator Stewart was properly considered a reliable authority on matters of this character, having given much attention to the investigation of the mineral resources of the West. His home and a greater part of his active life had been spent in Nevada—the territory and the state.

The meetings for several days following were brief and no business was transacted save the occasional report of a committee, reporting "no change."

On August 1st, the thirtieth day of the session, there were thirteen delegates present. For several days previous the attendance had been so much less that no session had been formally opened and the daily invocation of the chaplain had been omitted. The ominous number of delegates present at this session reminded the delegates of this omission and they insisted that the chaplain, Reverend Willis, of Aurora, perform his duty. A communication was then read from the Englewood Union Veteran Club, of Chicago, enclosing resolutions adopted by the Grand army posts of Chicago, reminding the convention that

The men of 1861-65 made statehood possible for Dakota, and asking that, as a matter of justice, as well as sentiment, the veterans be allowed to name at least one of the four new states. That as one of these states will receive the name of the first American of the eighteenth century, the soldiers of the Union ardently desire that the name of the first American of the nineteenth century shall be perpetuated in the other. They therefore suggest to the convention the name of Lincoln for one of the Dakotas.

There was considerable business transacted on the thirty-first day. The report of the joint commission on the settlements of a division of property and debts with North Dakota was received and approved. This was the last working day of the session, the intention being to adjourn finally on the following day, August 4th.

United States Senator Edmund J.weeney and Oregon Senator James W. Nesbit, having come to the Convention on Friday, from the Senate, in quest of information from members of the convention, some of whom, it was known, had given much time and study to the subject. In order to facilitate and systematize the securing of information by the visiting statesmen, President Edgerton appointed a special Committee on Irrigation, composed of President McMillan, of Pennington County, Mr. Peck, of Hamlin County, Doctor Spooner, of Kingsbury County, Mr. Couchman, of Walworth County, Mr. Hall, of Sully, Mr. Houlton, of Douglas, Mr. Eddy, of Miner, Mr. Murphy, of Hanson, Mr. Wood, of Spink, Mr. Cook, of Marshall, and Mr. Westcott, of Deuel, who met with the Senators and furnished them with information regarding the water supply of Dakota and the facilities for constructing river and lake improvements that would be of great value in seasons of unusual dryness. The Senators were of the opinion that while Dakota could depend upon a moderate rainfall, it was proven by statistics that it had a dry climate, and occasionally liable to such prolonged drouths as to produce a crop failure practically, which in view of the increasing volume of the territory's food products might be in the nature of a national calamity. Therefore a prudent course would suggest that the present government should foster irrigation by building some water canals and irrigating canals. While the cost of the measure unfortunately would be comparatively heavy it would be repaid to the people of the nation by increased production and consequent lower prices for food stuffs. The preservation of one annual crop in Dakota would not only be of great pecuniary benefit to the producer but it beneficially affect every one of our country's growing population. The senators were much gratified with their visit.

A communication was received from President Harrison, written by his secretary, stating that he had referred the convention's memorial relating to the protection of school lands to the interior department.

On motion of Mr. Jolley, of Clay, it was ordered that the president of the convention have the custody of the address and the Legislature shall order and provide for their publication, and that Mr. John H. Wilson and Mr. A. G. Kellam, shall prepare the same for publication and cause the same to be published.

The consideration of the schedule was then resumed. Mr. Williams, of Bon Homme, offered an amendment whereby the term of state officers would expire in 1891, thereby making the elections of state and county officers coincident. The question of the power of the convention again came up. The point upon which the convention divided was as to whether the election provided by the omnibus bill to be held in October would be an election under and authorized by the constitution, or one provided by the omnibus bill. Those who held to the former view, and opposed the amendment maintained that the election held in October would be the first held under the constitution, and that the convention had no power to shorten any term of the officers provided for by the constitution. That the framers of the constitution of 1885 undoubtedly provided for two general elections. That the only other source of power aside from the constitution is the omnibus bill, and that makes no provision for the election or terms of officers.

On the opposite side those who favored the amendment contended that the election in October could not be under the constitution for the simple reason that there would be no constitution at that time, one of the purposes of that election being for the ratification of that document. They held that the omnibus bill clearly provided for the October election, and that this convention was empowered to provide for each count of state officers as would not conflict with the provision now contained in the constitution. As soon as the Williams amendment was taken about noon and resulted in a tie, 36 for and 36 against. The amendment was therefore declared lost. The matter was then adopted as reported.



Mr. Caldwell suggested that inasmuch as a part of the agreement with North Dakota was to be incorporated in the schedule and ordinance, it might be well to postpone action on the remainder of the schedule until after the consideration of the agreement and Mr. Jolley then moved that the further consideration of the schedule be postponed, which carried, and the convention proceeded to the consideration of the report of the joint commission on the part of South Dakota.

Mr. Harris, of Yankton County, moved that the convention proceed to incorporate in the constitution the agreement of the joint commission of North Dakota and South Dakota, beginning at the preamble and ending with close of article 24. Motion adopted.

After a noon recess Chairman Edgerton stated that he had voted against the amendment to section 19 of the schedule, but he had been informed that there was a possibility of such a construction being placed upon the section as to render the election of county officers this fall necessary. With that view of the question, and in order that the matter might be more fully discussed, he moved a reconsideration of the motion by which the amendment was lost. Motion carried. And after much discussion the Williams amendment was adopted by a vote of 40 to 32. The effect of this amendment was to bring the election of all officers, state and county, biennially in the even numbered years, whereas without the amendment there would be annual elections—in the even numbered years the state officers and congressmen would be chosen, and the county officers in the odd numbered years.

The joint committee on the part of South Dakota then submitted their report to which was attached the entire agreement reached by the joint commission, also the article of the constitution pertaining to debts and liabilities, as required by the enabling act to be incorporated in the constitution. Also that part of the agreement pertaining to books, archives and records, and which the commission recommends shall be incorporated in the schedule and ordinance. This left so much of the agreement as relates merely to the distribution of property incorporated in neither the constitution or schedule and ordinance.

That part of the agreement referring to debts and liabilities was referred to the Committee on Debts and Liabilities, and that part pertaining to records to Committee on Schedule and Ordinance.

An adjournment was then taken at a late hour in the evening to 10 o'clock on the morning of the 4th of August.

Monday, August 5th, was the closing day of the convention. President Edgerton occupied the chair. Reverend Huntley, delegate from Jerauld County, offered a prayer for divine guidance during the last hours of the convention, and besought the divine blessing upon the people of the new state as they shall begin the new era under the constitution.

Delegate Price was then called to the chair, and Judge Edgerton asked unanimous consent to introduce the following resolution, which he explained was in order to facilitate matters in accordance with the resolution adopted August 3, 1889.

Resolved, That the territorial treasurer is hereby authorized and empowered to issue refunding bonds to the amount of \$107,500, bearing interest not to exceed 4 per cent per annum, for the purpose of refunding the following described indebtedness of the Territory of Dakota, to wit: Seventy-seven thousand dollars in 5 per cent bonds, dated May 1, 1883, issued for the construction of the west wing of the insane hospital at Yankton, and \$30,000 in 6 per cent bonds, dated May 1, 1883, issued for permanent improvements on the Dakota Penitentiary at Sioux Falls, such refunding bonds, if issued, to run for not more than twenty years, and shall be executed by the governor and treasurer of the territory, and shall be attested by the secretary under the great seal of the territory. In case such bonds are issued by the territorial treasurer as hereinbefore set forth, before the 1st day of October, 1889, then upon the admission of South Dakota as a state it shall assume and pay said bonds in lieu of the aforesaid territorial indebtedness.

The resolution was adopted.

President Edgerton returned the reply, and Mr. Burdock offered the following resolution, which was unanimously adopted by a rising vote:

Resolved, That the Hon. A. T. Edgerton, president of the convention, and the members and officers composing it, the Hon. A. T. Edgerton has the thanks of this convention. That the Hon. A. T. Edgerton be and he is hereby presented with the gavel which he has wielded with such dignity and fairness during the sessions of the convention, and we cherish the hope that he may live many years to enjoy the rights and privileges of a citizen of the new State of South Dakota.

Judge Edgerton appropriately acknowledged the tribute paid him in a brief and heartfelt manner.

A resolution was adopted tendering the thanks of the convention to Rev. F. A. Burdock, chief clerk, Dr. A. W. Hyde, enrolling clerk, Rev. J. A. W. Wakelield, chaplain, James Carney, sergeant-at-arms, F. Hoop, messenger, Col. I. W. Goodner and G. T. Brown, stenographers, and Albert Keith, Charlie Walts and Frank Clough, pages, for the faithful discharge of their duties.

Colonel Jolley then presented President Edgerton with an elegantly framed photograph of the delegates and officers of the convention. Responding, Judge Edgerton said that surprises came thick and fast. He referred to his unanimous election as president of the convention of 1885, regardless of party, and of his election as presiding officer of this body by the same unanimous vote. To help to frame the organic law of a great commonwealth was the highest duty of any citizen. If he had done that to merit the approbation of his fellow-men he was satisfied. He promised that he would ever cherish the picture and hand it down as a legacy to his children.

Major Kellam, delegate from Brule County, then moved that the constitution having been considered and acted upon article by article, the same be passed, adopted, and confirmed as a whole. The ayes and noes were taken on this motion with the following result: Ayes, 72; nays, 0.

Mr. Caldwell offered a resolution requesting the president of the convention, as custodian of the enrolled constitution, to have four copies of the same prepared, compared, and certified to by him, said copies to be used in printing the newspaper supplements. The expense of the copies to be vouched by the president to the first Legislature at a cost of not to exceed fifty dollars. Carried.

Major Kellam moved that the four stars of the convention be left with Mr. Caldwell to be placed in the hall of the State House. Carried.

The constitution was signed by all the delegates present, seventy-two in number. A recess was then taken, after which, with Mr. Van Buskirk in the chair, Judge Edgerton introduced the following resolution:

Resolved, That the Hon. A. T. Edgerton be and he is hereby requested to have the publication of the same at the earliest practicable time when the funds can be secured either from the United States or the state, and that the published debates be distributed the same as the journals.

Adopted.

The convention then tendered a vote of thanks to Deputy Secretary Hubbard for his attention to his duties, to the citizens of Sioux Falls for innumerable courtesies. The convention accepted the invitation to attend the reception in the evening tendered them by the Sioux Falls people.

A recess was then taken until 7 o'clock, when the convention reassembled and took a recess again until 6 o'clock, the hour of the recess, at which time the convention adjourned sine die.

The second election provided for by the omnibus bill was held on Tuesday, October 1st.

## PROHIBITIONISTS ASSEMBLE

On the 7th of July, and immediately after the adjournment of the convention for the day, the prohibitionists who were delegates to the constitutional convention held a called meeting in convention hall. Mr. Clough, of Codington County presided. About one-fourth of the delegates had remained at their desks, and these were joined by many more, making a numerously attended meeting. There were many short and enthusiastic speeches made on the outlook for the prohibition amendment to the constitution. In all but a minority of the counties the statement was made that the proposed amendment would receive a majority vote. The chairman stated that the call for the present meeting was signed by three-fifths of the delegates to the constitutional convention. He said further that he had traveled all over South Dakota, speaking in over forty cities, and he was confident that prohibition would prevail at the polls. The announcement was made that Governor Mellette was wearing a prohibition badge and working for the cause.

Professor Bartlett, the superintendent of the Yankton city schools and secretary of the board of education, said:

From our standpoint we put down the constitutional convention as three to one in favor of prohibition, and it will probably be four to one when its sentiment fully solidifies. We have now more than two to one openly pledged. There were others in sympathy with us that are struggling for office, and will not commit themselves just now. The prohibition sentiment, strong as it is, grows constantly and its expansion is surprising. The prominent officials and politicians are coming out for us. Governor Mellette leads and declares himself for prohibition and all that there is in it, and wears the badge of our order. Judge Edgerton and Judge Moody are with us and for us and will so vote, and some of the most prominent lawyers in South Dakota, heretofore opposed to prohibition, have joined our ranks and are ready to speak in our behalf. Among these I can mention Mr. Americus Melville, of Huron.

The constitutional convention is a clean convention. Among its members there are no signs of saloon visiting. A few may go to saloons, but if they do they do not care to have it known. Many of the democratic members are the most radical prohibitionists in the convention and are making more prohibition noise than the republicans. Chauncey Wood, of Rapid City, is one of that class. He says there is a strong prohibition sentiment in the Black Hills, and instead of a large majority against prohibition in that section, the vote will be about evenly divided. We feel that prohibition will gain a victory in South Dakota, and that the first State Legislature will be strongly for prohibition. We are encouraged beyond expression over the outlook.

The members of the prohibition organization desire to say:

First. That the object of this organization is to aid in securing constitutional prohibition in South Dakota.

Second. That this organization is composed of followers of all parties, is strictly non-partisan, and as such supports no party, but leaves each of its members to follow the dictates of his own judgment and conscience as to his political creed and party affiliations. It follows that no member or set of members, whether officers or not, has any right whatever to pledge the support of this body to any of the political parties, and any such persons so pledging such support are acting without authority and in violation of the spirit of such organization.

On the other hand, each and every member, though free to support, without let or hindrance of this organization, whatever party he deems fit, with as much zeal and discretion as his character and ability shall supply, will not be indifferent to the due qualifications of candidates for nomination to public office, and may be expected to use a degree of caution and diligence commensurate with the relative importance of the issue at stake.

Third. The means and methods to be used are first and above all others the constant and humble seeking of God's blessing and help, without which we know that no right cause can win. Our design is to do all we can in joining others of like views on this question, in bringing to the minds and consciences of the people, in as many languages as possible, by means of pulpit, press, platform and otherwise, the various phases of the truth of this issue, and in securing for prohibition, by all honest and honorable means, the ballot of every possible voter. It is the duty of every member to say plainly what he thinks and where he stands on this question, in such a way as he cannot be misunderstood by either friend or foe, and to work as hard and as wisely as he can to win. A good cause has nothing to gain by hiding its light. What we want is votes. Nothing else will count in October. We must sow beside all waters, but most particularly in the fruitful fields. Given so much time and energy, prudence dictates that we expend them among the classes quickest to see and most ready to vote for what they believe to be right, and for the interest of their families, their property, and the public welfare. Each precinct and county is expected to do its best, but remember that a vote is a vote anywhere in South Dakota, and it will serve the cause but poorly to



expend your strength all in one place, when you are engaged in a common cause, and must win all together or not at all. Let all citizens, public and private individuals friendly to this cause work together on this issue, leaving criticism till the fight is over, well knowing that though "he that is not with me is against me," it is equally true that "he that is not against us is for us." If God be for us, who can be against us?"

Unanimously adopted by the central and executive committees.

V. V. Barnes, president, Yankton; W. F. T. Bushnell, secretary, Huron; F. H. Hagerty, treasurer, Aberdeen.

#### PROHIBITION IN THE NORTH STATE

The central committee of the territorial prohibition association of Northern Dakota met at Fargo on the 14th of April for the purpose of considering plans and making preliminary arrangements for an organization in every county in the proposed new state, with the view of securing the introduction of a prohibitory alcoholic liquor clause to a popular vote as a part of the state constitution. The prohibitionists did not propose to nominate candidates of their own for the constitutional convention, but they declared that they would support any one for delegate to the constitutional convention who will not promise to vote in the convention for the submission of a prohibitory clause to a popular vote. The central committee appointed J. C. White, of Cassin, general organizer, and Reverend Mr. Barker, of Fargo, general lecturer, and these parties were expected to devote their time to the duties connected with their respective appointments. Organizers were also appointed for each legislative district, and for each county, whose duty it would be to organize the local forces for the election of constitutional convention delegates.

The North Dakota non-partisan temperance alliance held a convention at Jamestown late in May, and adopted a resolution reading as follows:

Resolved, That we who are of the people will not hereafter support the candidate of any political party which does not in its platform frankly admit the right of the people to settle the question of prohibition for themselves, and which does not in its platform pledge the party to abide by and defend constitutional and statutory prohibition when passed by the people.

The first state republican convention for South Dakota was called by that portion of the republican territory still under occupation residing in the counties south of the 7th standard parallel, as follows:

The chairman of the territorial committee was Harrison Allen, who resided at Fargo, and who sent out notices to the members of the central committee residing in the counties south of the 7th standard parallel as follows:

You are hereby notified that the members of the in South Dakota will meet at the Cataract House in P. M., to take such action as may be deemed necessary for the interests of the party in South Dakota. Please promptly answer.

E. C. GEARY, Secretary.

The committee referred to by Chairman Allen do not appear to have acted in accordance with his notice, but assembled at Huron on Thursday, June 12th. The change was doubtless due to the transportation difficulties attending the convention at Sioux Falls on the date named by Chairman Allen, when the cataract would be crowded with prominent citizens, and where a committee to appoint delegates and make a final selection for holding a convention could be chosen by many advisers. It would have appeared better to the accomplishment of the call. At Huron the committee met in a public hall in session at the constitutional meeting, which prohibited all other persons from being present. From Huron the following call was issued on the 27th of June:

A republican state convention for South Dakota is hereby called to assemble in the opera house at Huron, in the Territory of Dakota, on the 28th day of August, 1889, at 1 o'clock in the afternoon of said day, to place in nomination the following named officers, to be voted for at the election to be held on the 1st day of October, 1889, in said South Dakota, namely:

Two representatives in Congress.  
One governor.  
One lieutenant governor.  
One secretary of state.  
One state auditor.

One state treasurer.  
One attorney general.  
One commissioner of schools and public lands.  
Three judges of the Supreme Court.

Said state convention is called by order of the Republican Central Committee of South Dakota, and the apportionment for said convention is made up on the basis of one delegate for each 100 votes, or majority fraction thereof, as cast for the Hon. Geo. A. Mathews at the November election in 1888, and each county in South Dakota shall have at least one delegate, and the apportionment and representation for each county in South Dakota shall be as follows:

Aurora .....	7	Davison .....	9	McPherson .....	5
Beadle .....	17	Edmunds .....	8	Marshall .....	7
Brown .....	24	Fall River .....	3	McCook .....	7
Brookings .....	14	Faulk .....	7	Miner .....	8
Buffalo .....	1	Grant .....	7	Minnehaha .....	24
Brule .....	8	Hamlin .....	5	Moody .....	9
Bon Homme .....	10	Hand .....	11	Pennington .....	9
Butte .....	2	Hanson .....	6	Potter .....	5
Custer .....	5	Hughes .....	7	Roberts .....	2
Campbell .....	5	Hutchinson .....	1	Sanborn .....	8
Clark .....	11	Hyde .....	4	Spink .....	18
Codington .....	10	Jerauld .....	4	Sully .....	5
Charles Mix .....	7	Kingsbury .....	12	Turner .....	14
Clay .....	11	Lake .....	9	Union .....	14
Day .....	9	Lawrence .....	24	Walworth .....	2
Douglas .....	7	Meade .....	6	Yankton .....	15
Deuel .....	6	Lincoln .....	15		
Total representation, 448.					

The member or members of this committee are hereby authorized to call the several judicial conventions in the respective circuits in which they reside, and it is recommended that at the time the delegates are selected by the different county conventions to represent said counties in the state convention that delegates be elected to represent their respective counties in the judicial circuit convention.

J. M. GRIDLEY, Secretary.

W. T. COAD, Chairman.

The first state republican convention assembled at the City of Huron on Wednesday, August 28, 1889, at 2 o'clock P. M., and was called to order by Hon. W. T. Coad, of Rapid City, acting chairman of the Republican Central Committee. Prayer was offered by Reverend Skillman, of Huron.

Colonel Smedley, of Grant County, was elected temporary chairman, and Hon. H. F. Mayhew, of Sanborn County, temporary secretary.

There were contesting delegations from Douglas, Clark, Miner and Deuel counties. Colonel Smedley was the Alliance candidate for temporary chairman, but was acceptable to all factions.

The Black Hills delegations were on the ground with forty-nine votes. The two strong factions represented in the convention were the Farmers' Alliance and the elements opposed to their control, though there was a general concession that they were entitled to a fair representation on the ticket. The prohibitionists were also strongly represented, but seemed satisfied that they would be largely represented on the ticket, from governor down, without regard to the side which controlled. A. C. Mellette's nomination for governor was conceded on all sides.

The Committee on Credentials reported the following named entitled to seats in the convention:

Codington County—Robert G. Edmonson, C. Frank Johnson, John James, W. F. Satter, S. H. Sullivan, John C. Wheeler, L. A. De Chant, J. J. Gentry, J. V. Waldron, J. S. Gordon.

Knudsen County—Barnhill and Gentry are gone. Back also.

Minnehaha County—R. T. Emery, J. M. Bailey, C. John Goodrich, H. J. Whipple, L. J. Jones, C. E. McKimsey, J. J. Smith, W. F. Kuntz, D. H. Bailey, Walter Gray, J. D. Thompson, James Walter, A. H. Beckman, John C. J. Jones, W. Caldwell, W. F. Kelley, J. G. Brown, A. M. Brown, H. Albert, J. T. Campbell, W. H. Holt, J. J. Hull, George Arneson, C. G. Coats.

Hutchinson County—Jacob Schnaidt, John Schamber, M. K. Bowen, J. E. Hipple, Henry Heil, F. Simmons, Frank Buck, H. Eisinger, F. Schamber, Frank Bem, C. Guenther.

Aurora County—Joseph Stiffler, A. L. Davie, J. B. Tripp, A. H. Hall, F. S. Turney, H. W. Rathbun, John Rogers.

Bon Homme County—James Keitbauch, J. D. Elliot, E. Maxwell, P. Unruh, James Smith, John Krause, J. H. Stephens, J. Weiderick, A. J. Abbott, J. Leach.

Hand County—G. R. Maron, J. F. Cotton, B. D. Milam, W. H. Line, George Chaffeen, W. R. Crisfield, Charles Turner, O. H. Pruner, William Johnston, S. T. Hicks, R. H. Pickering.

McCook County—O. C. Potter, F. E. Smith, B. D. L. Dudley, L. C. Larson, E. L. A. Abel, W. T. Pierce, E. H. Wilson.

Davison County—A. J. Edgerton, chairman, A. M. Bowdle, Rev. H. D. Wiard, David Cole, George Watson, A. E. Hitchcock, L. M. Seaman, R. Clark, F. E. Blanchard.

Yankton County—R. J. Gamble, N. Edmunds, Sol. Wenzlaff, Wm. M. Powers, Wm. Blatt, E. G. Smith, H. Ellerman, B. S. Williams, Phillip Engel, J. I. Welo, W. P. Dewey, A. L. Pfeiffer, Iver Bagstad, A. O. Saugstad, Peter Engen.

Union County—A. S. Disbrow, John Dahl, N. A. Kirk, N. A. Branson, J. E. Sinclair, O. E. Dawson, John Larson, J. G. Merrill, E. C. Ericson, Wm. Main.

Spink County—B. F. Taylor, J. E. Jenkins, J. R. Taylor, William Kauce, Geo. O. Baten, A. J. Tuthill, W. W. Taylor, C. T. Howard, B. T. James, W. F. Dale, W. H. Roberts, M. L. Reed, J. D. Wilkins, D. H. Groves, F. Laberrieg, R. M. Spoonks, S. F. Cook, W. S. Babcock.

Sully County—Wm. McLaughlin, J. H. Maxwell, W. H. Little, S. W. Trumbull, William Toomey.

Turner County—Doctor Peterman, N. L. Alberty, J. P. Ward, D. W. Tyler, William Elliott, F. F. Hanford, T. R. Buchanan, Joel Fry, W. D. Clayton, J. A. Davis, Vale P. Thielman, F. H. Newton, R. W. Parker, E. J. Jenks.

Hanson County—L. C. Taylor, W. S. Logan, L. P. Chapman, C. I. Miltimore, George E. Foster, C. I. Phelps.

Hughes County—L. E. Gaffey, S. M. Laird, John Sutherland, W. I. Willmann, J. H. Russell.

Brookings County—W. H. Skinner, Reuben Matson, Christ Halverson, V. B. Lawrence, M. L. Palmer, James McVey, A. P. Culberson, George Headley, W. E. Whitney, M. N. Trygstad, Ole Thompson, F. O. Rice, A. H. Natwick, C. L. Woodbeck.

Miner County—C. A. Cressy, A. H. Barnes, C. M. Comstock, D. McCullough, James Stewart, Moses Martin, Lars Hanson, D. W. Jackson.

Lake County—A. E. Clough, S. N. Fader, V. R. Waddell, B. B. Howell, J. A. Johnson, George L. Wright, E. Sheridan, H. C. Cole, A. H. Tuttle.

Moody County—George Rice, C. H. Roerbeck, W. W. Spear, D. O. Hogeberg, B. B. Iverson, A. Brown, B. Miller.

Brule County—F. M. Goodykoontz, F. A. Thomas, J. Andrews, C. S. Blodgett, B. H. Keish, W. G. Cook, C. M. Gregory, W. V. Lucas.

Douglas County—H. W. Johnson, A. S. Chatz, C. E. Fleete, G. S. Perry, W. E. Shipton or Tipton, W. Verduin, J. T. Mathews.



Clay County—J. A. Barnback, S. N. Palmer, J. V. White, Harvey Gunderson, Nels O'Harson, N. W. Paulson, George Richardson, George Woodworth, D. H. Cotton, A. Jackson, S. C. Fargo.

Hyde County—James McCowell, C. Wilson, M. Connor, P. Sturer.

Colonel Star, of Lawrence County, was made permanent chairman, and E. W. Caldwell, of Sioux Falls, permanent secretary.

After a speech by Hon. G. C. Moody, of Lawrence County, who presented the convention with a gavel made of Black Hills tin taken from a Pennington County claim, the platform was presented by the Committee on Resolutions and adopted. A minority report on platform was also submitted, differing from the majority on the prohibition question, which was first subhitted to a vote and lost by a vote of 94 for to 354 against. The majority report, which follows, was adopted by a unanimous vote.

#### PLATFORM

Resolved, That as republicans of the State of South Dakota, in our first convention assembled, we reaffirm the principles enunciated in the platform of the national convention assembled in Chicago in June, 1888, and we most heartily endorse the administration of President Harrison and Governor Mellette. We hail with unfeigned pleasure the privileges of statehood soon to be ours, and we congratulate the republican party in that they hold to those principles in which all industries can find true protection, and in which all citizens, without regard to nationality, can harmonize, and we congratulate our people that through the power of these principles they now have their rights of homestead, preemption and timber claim in our public lands restored to them. We favor those laws which give full remuneration to labor and secure to capital its rights.

We recognize agriculture, mining and manufacturing as the paramount material interests of our state, and we deprecate any laws which separate these from the commercial and industrial interests of our people, as we are dependent upon the harmony of all these great interests for our success. We therefore declare it to be the duty, as it should be the pleasure, of all men placed in office by the people, to oppose any unjust encroachments of corporations or trusts upon the rights of any of our citizens, and to so administer the government in all its branches as will conduce to the welfare and advantage of all our people.

We view with pride our educational facilities, the flourishing condition of our public schools, colleges and universities, and we demand that our school lands shall be jealously guarded.

We honor our old soldiers and favor liberal pensions to all those who hold an honorable discharge. We also favor wise and liberal provisions for the care and maintenance of all who are needy and disabled.

We most heartily sympathize with the Irish people in their desire for home rule.

We heartily favor the American system of protection, by such properly regulated import duties upon foreign products as will stimulate every industry, and fully protect our vast army of workmen against the unfair competition of the criminal and pauper laborers of the Old World.

We most heartily welcome to our fellowship the people who have come to us from foreign lands to find a home in this, the country of their adoption, intending to render due respect to its laws. We favor the enactment of such laws as will protect the citizens in the free exercise of their right of suffrage, and will insure fair and honest elections and equal and just taxation of property.

Recognizing the pernicious influence of the traffic in intoxicating liquors upon every interest of our commonwealth, we favor national and state prohibition of such traffic, and the adoption of the article of our constitution relating thereto, and the enactment of such laws as will make the same effective.

The great agricultural interests of Dakota demand that they should be protected, fostered and guarded with jealous care, and such laws enacted as will insure equitable rates of transportation, allowing no unjust discriminations against sections or individuals. That we favor the improvement of the great waterways of the Northwest so as to bring close competition in the carrying trade. We favor a warehouse law which will give every farmer a free market for his produce and which will not leave him at the mercy of any elevator and railroad combine.

We advise and urge prompt and liberal action on the part of the state and nation towards the establishment of a competent system of irrigation of such portions of our state as would be benefited thereby.

We favor the establishment of a bureau of labor and statistics, that we may have accurate information in regard to the educational, moral and financial condition and needs of the laboring masses. We also favor the prohibition by law of the employment of children under sixteen years of age in mines, shops and factories.

over our land, and demand the enactment of stringent laws, state and national, declaring the formation of all trusts and combinations for the purpose of controlling or enhancing the price of any article of commerce to be illegal, and for their suppression and the punishment of all parties implicated therein.

On motion of John A. Pickler, of Carbon, Co., passed, of Carbon Co., nominated for Congress by acclamation. John A. Pickler, of Carbon, then nominated John A. Pickler for the other congressional position. Pickler was a Faulk County man. There was no opposing nomination, though there had been none by the friends of Matthews and also of McCoy to bring them before the convention, but these efforts were abandoned and Mr. Pickler was nominated by acclamation.

For lieutenant governor, J. H. Fletcher, of Brown County, and J. H. Patten, of Miner County, were placed in nomination. Fletcher was a farmer and this office was greatly desired by the alliance as the lieutenant governor presided over the Senate and would have the making up of the Senate committees. The first ballot resulted in Fletcher's nomination by a vote of 216 for Fletcher to 187 for his opponent.

The next office contested for was that of territorial auditor. Frank Alexander, of Campbell County, and L. C. Taylor, of Hanson County, both newspapermen, were placed in nomination. Taylor won by a vote of 277 to 121 for Alexander. The nomination of Taylor was then made unanimous on motion of the defeated party.

For supreme judges, Maj. A. J. Kellam, of Brule County, Hon. Dighton Corson, of Lawrence County, and Hon. J. E. Bennett, of Clark County. The only

opposition was against Mr. Bennett, of Clark, Judge Poindexter, of Spink, and Americus B. Melville, of Beadle, being candidates against him. Judges Corson and Kellam were nominated by acclamation. And on the first ballot Bennett triumphed over both competitors, and was accorded a unanimous nomination.

This concluded the list of nominations. On motion the convention endorsed Chicago as the place for holding the World's Columbian Exposition in 1892. After passing some resolutions of compliment, the convention adjourned sine die.

Members of the Republican State Central Committee were appointed as follows:

Union County—H. H. Blair, Elk Point. Clay County—A. A. Barnestock, Vermillion. Yankton County—R. J. Gamble, Yankton. Bon Homme County—J. L. Turner, Springfield. Lincoln County—William M. Cuppett, Canton. Turner County—Vale P. Thielmann, Parker. Hutchinson County—John E. Hipple, Parkston. Douglas County—F. L. McCoy, Harrison. Minnehaha County—N. E. Phillips and R. Kenefick. McCook County—B. D. Dudley, Canistota. Hanson County—George E. Foster, Alexandria. Davison County—A. M. Bowdle, Mitchell. Aurora County—William Smith, Plankinton. Brule County—R. S. Southgate, Kimball. Moody County—George Rice, Flandrau. Lake County—C. B. Kennedy, Madison. Miner County—D. D. Holdredge, Howard. Sanborn County—J. F. Whiting, Artesian. Jerauld and Buffalo counties—O. T. Dye, Richards. Jerauld County. Brookings County—J. E. Diamond, Brookings. Kingsbury County—J. E. Gipson, DeSmet. Beadle County—W. B. Sterling, Huron. Hand County—B. D. Millam, Miller. Hyde and Hughes counties—F. O. Parker, Highmore. Sully and Potter counties—A. J. Pruett, Gettysburg. Deuel County—T. C. Peterson, Gary. Hamlin County—J. H. Smith, Castlewood. Codington County—J. H. Phelps, Watertown. Clark County—E. F. Conklin, Clark. Spink County—C. L. Howard, Redfield; E. W. Foster, Ashton. Grant and Roberts counties—D. Eastman, Wilmot. Day County—E. Huntington, Webster. Brown County—H. L. Sessions, Aberdeen; W. C. Allen. Marshall County—E. A. Cooper, Britton. Faulk County—H. B. Chamberlain, Faulkton. Edmunds and McPherson counties—Corwin Johnson, Leola. Walworth and Campbell counties—Frank Alexander, Mound City. Lawrence County—R. F. Grimshaw, Deadwood; W. S. Mead. Pennington County—D. H. Clark, Rapid City. Meade and Butte counties—I. R. Crowe, Sturgis. Custer and Fall River counties—D. W. McFadden, Custer City.

The chairman of this central committee was Charles T. McCoy, who was selected by order of the convention, by the nominees for governor, lieutenant governor, the congressmen and Sol. Star, chairman of the convention.

Of the candidates named by this convention Messrs. Gifford, Mellette, Dollard, Corson, Kellam and Bennett were nominated by the convention of 1885, and elected.

A feature of the political campaign of 1889 was an organization called the Scandinavian Republican League of South Dakota, which extended into every county and claimed that the Scandinavian vote of the state was one-seventh of the total vote. It had for its object the educating of the Scandinavians in the principles of the republican party, and for that purpose had established a newspaper at Brookings which was called the South Dakota Echo, edited by O. S. Norvold. O. Gesley, of Watertown, was president of the league.

A State Republican League was organized at Huron, August 27th, to supplement the work of the republican committee. Thirty local leagues were represented. John Longstaff, of Huron, was made chairman of the meeting, and John H. Drake, of Aberdeen, secretary. The constitution recommended by the national league was adopted.

Col. F. W. Foster, of Spink County, was elected president of the state league by acclamation. Thomas G. Orr, of Walworth County, was unanimously chosen first vice president, and H. H. Keith, of Minnehaha County,



was elected school and president, and William and Val A. T. Cushman, of Minnehaha, was chosen. The D. T. Board of Bennett County was elected and vice-president, Charles F. Hadden, of Turner county, was elected secretary. Frank Washabaugh, of Lawrence County, was elected treasurer.

An executive committee of one from each county was named as follows: Beadle, J. L. Spaulding, of Huron; Brown, H. S. Williams, Aberdeen; Codington, E. A. Gore, Watertown; Edmunds, J. D. Jones, Ipswich; Faulk, Frank Turner, Faulkton; Grant, J. C. Knapp, Milbank; Hand, S. L. Sage, St. Lawrence; Hanson, George E. Foster, Alexandria; Hyde, R. C. Walton, Highmore; Jerauld, Don C. Needham, Crow Lake; McPherson, J. Boucher, Leola; Miner, R. S. Person, Howard; Minnehaha, John Sundback, Sioux Falls; Sanborn, John Wilson, Letcher; Potter, B. M. Springer, Forest City; Spink, John J. Cushing, Ashton; Turner, V. C. Wass, Centreville; Walworth, W. D. Olney, Bangor; Yankton, L. B. French.

#### DEMOCRATIC CENTRAL COMMITTEE

The Democratic Central Committee of the territory met at Mitchell, July 22d, and called a state convention to be held at Huron, September 4th, for the purpose of placing in nomination candidates for the various state offices, and to promulgate a platform. The committeemen present were: Ex-Gov. L. K. Church, of Huron; Abe Boynton, Lennox; L. G. Johnson, Brown County; Maj. C. Boyd Barrett and James Ringrose, Aberdeen; J. F. Carpenter, Woonsocket; Otto Peemiller, Yankton; C. H. Freeman, Elk Point; Frank Hammer, Mitchell; L. S. Matthews, Armour; Chauncey Wood, Rapid City; Q. W. Childs, Mellette.

In accordance with the call, the democratic state convention assembled at Huron, September 4th. W. F. Steele, of Deadwood, was elected temporary chairman over John W. Harden, by four votes. E. M. O'Brien, Yankton County; A. S. Volkmar, Grant County; and W. W. Goddard, Minnehaha County, were elected secretaries.

The chair appointed the following Committee on Credentials: J. B. Bromlette, George Randall, Isaac Lander, S. A. Ramsey, Isaac Pierson, C. H. Price, Frank Bohl, F. D. Murrier, J. W. Hardin.

Committee on Permanent Organization—C. H. Freeman, B. S. Glidden, S. B. Van Buskirk, P. F. Wickhem, C. N. Harris, John Pusey, M. H. Day, J. F. Barckley, P. F. McClure.

The convention adjourned to meet at 7 o'clock P. M.

The evening session convened at 8 o'clock. The Committee on Credentials reported that there were no contests.

The temporary organization was made permanent, and a committee of five on rules and order of business, and a committee of nine on platform were appointed by the chair.

Committee on Rules—A. B. Curtis, S. H. Kauffmann, H. C. Walsh, S. F. Brott and James Walsh.

Committee on Platform—Herbert Van der Yarker, J. A. Ward, of Minnehaha; Louis Funnell, of Beadle; P. F. Wickhem, of Huron County; Clarence Denniss, of Brown; W. A. Lichtenwalder, of Hughes; A. A. Powell, of Fall River; W. A. Brackley, of Lawrence, and A. Hoynton, of Lincoln.

The Committee on Rules and Order failed to agree. After some discussion, Cushing's Manual was adopted, and resolutions were adopted according to the published call. The Executive Committee moved that no nomination be made until the report of the Committee on Platform was adopted. Carried.

There were several other efforts made to adjourn until a later time, but they failed. The convention then adopted the following central committee, being one for each representative district in the order named:

C. H. Freeman, Elk Point; D. M. Inman, Vermillion; C. J. B. Harris, Yankton; S. W. Treash, Scotland; J. V. Conklin, Canton; E. C. Kennedy, Parker; A. J. Yorker, Freeman; D. H. Gaughn, Wheeler; G. W. Matthews, Armour; W. D. Stiles, W. W. Goddard, Sioux Falls; J. D. Ryan, Salem; P. F. Wickhem, Alexandria; F. M. Hammer, Mitchell; J. D. Barton, Plankinton; S. W. Duncan, Chamberlain; M. E. Cogley, Flandreau; John Fitzgerald, Madison; Jesse Gast, Howard; Connor Cooney, Woonsocket; F. W. Whitney, Wessington Springs; R. M. Hayes, Duncan; A. Colliton, Elkton; C. H. Bradford, Lake Preston; Z. T. Huntley, Huron; J. J. Smith, Miller; B. Cash, Pierre; L. Q. Jeffries, Highmore; R. B. Coddington, Blunt; R. J. Eads, Gettysburg; J. B. Fonger, Gary; Ben Harvey, Castlewood; J. E. Dorr, Watertown; S. A. Keenan, Clark; H. S. Volkmar, Milbank; W. Y. Ashton, Wilnot; H. C. Walsh, Redfield; F. M. Crain, Doland; D. B. Davis, Andover; F. B. Smith, Hetland; I. Pierson, Aberdeen; J. F. Rourins, Britton; J. K. Secklar, Faulkton; S. V. Arnold, Roscoe; S. P. Hardinbrook, Leola; O. K. Stablien, Bangor; W. A. McLaren, Mound City; Ben Bear, Deadwood; W. Alexander, Lead City; C. L. Wood, Rapid City; T. E. Harvey, Sturgis; D. Sayre, Minnesell; L. B. Rena, Buffalo Gap; A. A. Howell, Oelrichs.

#### THE PLATFORM

The democratic party of South Dakota, in its first state convention assembled, pledges its loyalty to the democratic faith as expressed in the national democratic platform of 1888, and endorses the views expressed by President Cleveland in his last annual message to Congress relative to tariff reduction.

We pledge ourselves to continue the battle for tariff reform until the present unjust and unnecessary war tariff is reduced and the cause of the people is triumphant.

We tender our sympathy to the suffering laboring men of the country, who in the past few months have been driven from employment by the merciless exaction of protected monopolies, unholy trusts and heartless combines.

We congratulate the people of South Dakota that we are sure to take our place in the sisterhood of states, and upon the opening to settlement of nearly eleven million acres of rich agricultural lands, both accomplished under democratic administration.

We are opposed to constitutional prohibition now demanded by the republican party of South Dakota, and favor in its stead a well regulated license law, which is accepted by the democracy of the country to be the best method of controlling the traffic in intoxicating liquors and lessening the evils of intemperance.

We extend our heartfelt sympathy to the various labor organizations and to the farming community in their efforts to improve their social and financial conditions, and we pledge ourselves to assist them by every means within our power to accomplish these ends.

We acknowledge the great debt of gratitude the nation owes to the heroes of the late war, and we declare in favor of just, liberal and equitable pension laws.

We declare in favor of minority representation and urge all fair-minded taxpayers to support the article of our constitution relating thereto as a partial protection against the evils of vicious legislation.

We are in sympathy with the Irish people in their effort to obtain home rule and look to the day when they shall be a free people.

We heartily extend the right hand of fellowship to all people of foreign lands who come to our new state with the intent to become true and loyal citizens.

We arraign the republican party of Dakota for extravagance and mismanagement in conducting the affairs of the territorial government; that party has always had the exclusive control of the lawmaking power of the territory. Our bonded indebtedness has been increased over six hundred thousand dollars within the past three years and public institutions established not actually needed at this time.

Our revenue has exceeded half a million dollars per annum, which was ample to meet all necessary expenses of territorial government. Notwithstanding this fact, and the further fact that property is taxed to the full limit allowed by law, a deficiency has been created within the last six months, and the new State of South Dakota will suffer the humiliation of entering the Union with a deficiency in its treasury of nearly two hundred thousand dollars under the present republican misrule. This deficiency will necessarily be increased over two hundred thousand dollars per annum in excess of all possible revenue receipts and over the limit of indebtedness allowed by our state constitution. A swarm of clerks were employed by the last Legislature equal in number to the members of both houses, and these extravagant and unnecessary appropriations were made without a due investigation as to the actual needs of the territory and over the veto of the democratic governor.

The following minority plank was rejected by a vote of 264 to 56:

*The second plank was rejected, and the following plank was adopted: "We are in favor of the prohibition of liquor traffic, and that we are in favor of the adoption of articles of our constitution relating thereto, and the enactment of such laws as will make the same effective and enforce said amendment."*

The convention adjourned to the 5th, after adopting the platform.

The convention was called to order at 9:40 o'clock Thursday morning, September 5th. D. S. Glidden moved that the order of business be changed so that the state ticket be nominated before that of congressmen.

Keith, of Brookings, presented the name of Hon. J. W. Harden, of Jerauld County, for governor. Winsett, of Sioux Falls, placed Hon. P. F. McClure, of Pierre, in nomination for governor. There being no other nominations, a ballot was ordered. Just at this juncture Mr. Keith arose and withdrew the name of Harden. McClure was then nominated by acclamation.

A. W. Pratt, of Brown, was nominated for lieutenant governor by acclamation.

Otto Peemiller, of Yankton, was presented for secretary of state; also Z. T. Huntley, of Beadle, presented the name of L. Q. Jeffries, of Hyde County. Mr. Jeffries, in a short speech, withdrew in favor of Huntley, who was nominated by acclamation.

J. L. Horton, of Campbell County, was nominated for auditor by acclamation.

A. D. Hill, of Hand County, and Anton M. Kellar were named for treasurer. Before a ballot was taken, Kellar's name was withdrawn. Hill was nominated by acclamation.

H. L. Bellows, of Aurora, was nominated for attorney general by acclamation.

Prof. George A. McFarland, of Lake County, for superintendent of public instruction, was nominated by acclamation.

H. S. Volkmar, of Grant County, was nominated by acclamation for commissioner of school and public lands.

Judge L. W. Crofoot, of Beadle County, and S. B. Van Burskirk, of Codington, were named for supreme judge. Crofoot was withdrawn, and Van Burskirk nominated by acclamation.

C. H. Winsor, of Minnehaha, was nominated by acclamation for supreme judge. Dan McLaughlin, of Lawrence County, for supreme judge, was nominated by acclamation.

L. Q. Jeffries, of Hyde County, and C. M. Booth, of Grant County, were nominated for Congress by acclamation.

Hon. P. F. McClure was introduced to the convention and made a short speech, after which the convention adjourned.

#### THE ELECTION

The general election was held on Tuesday, October 1st, in both North and South Dakota, and resulted in the ratification of the state constitution in both states, and in the election of the republican state ticket, a republican Legislature in each state, the adoption of the prohibitory liquor article in both states, and the defeat of minority representation in both.

In North Dakota the public institutions were limited by the constitution. In South Dakota a temporary capital was voted for, and the choice fell to Pierre by a large plurality.

A very full vote was polled in South Dakota, but it was estimated that 20 per cent of the vote of North Dakota was not cast, thousands of the voters being engaged with the thrashing crews who were in the field at their work in many sections of the state.

The returns of the state election held October 1, 1889, were made to the secretary of the territory, Hon. J. B. Dickenson, and introduced by Governor



Mellette, Chief Justice Bartlett Tripp and the secretary, as provided by the enabling act. The result of the canvass follows:

For governor—A. C. Mellette, of Codington County, received 53,964 votes; P. F. McClure, of Hughes County, 23,840 votes.

For lieutenant governor—J. H. Fletcher, of Brown County, 54,711; A. W. Pratt, of Brown County, 22,946.

For secretary of state—A. O. Ringsrud, of Union County, 54,587; Otto Peemiller, of Yankton County, 23,272.

For state auditor—L. C. Taylor, of Hanson County, 54,521; Joseph E. Horton, of Campbell County, 23,309.

For state treasurer—W. F. Smith, of Lake County, 54,680; A. D. Hill, of Hand County, 23,052.

For superintendent public instruction—G. L. Pinkham, of Hand County, 54,781; George A. McFarland, Lake County, 23,055.

For commissioner of school and public lands—O. H. Parker, of Brookings County, 53,846; Henry D. Volkmar, Grant County, 22,632.

For attorney general—Robert Dollard, Bon Homme County, 55,034; H. E. Fellows, Aurora County, 22,632.

For justices of the supreme court—First district, D. Corson, Lawrence County, 54,110; Daniel McLaughlin, Lawrence County, 21,800. Second district, A. G. Kellam, Brule County, 54,150; Curtis H. Winsor, Minnehaha County, 21,410. Third district, John E. Bennett, Clark County, 53,675; S. B. Van Buskirk, Codington County, 22,677.

For members of Congress—O. S. Gifford, of Lincoln County, 54,135; John A. Pickler, of Faulk County, 53,257; L. Q. Jeffries, Hyde County, 22,840; S. M. Booth, Custer County, 22,153.

For circuit judges—First district, E. G. Smith, 9,090; John W. Harden, 4,051. Second district, F. R. Aikens, 7,883; G. B. Wynn, 2,433. Third district, J. O. Andrews, 8,146; M. S. Glass, 5,800. Fourth district, Richard Haney, 6,053; — Porter, 2,950. Fifth district, A. W. Campbell, 7,942; D. W. Crofoot, 3,771. Sixth district, Howard G. Fuller, 9,320; Colonel Price, 3,725. Seventh district, John W. Nowlin, Rapid City, 1,936; W. F. Coad, 1,201. Eighth district, Charles U. Thomas, Deadwood, 3,411; A. W. Hastie, Deadwood, 1,592.

#### TERRITORIAL OFFICERS APPOINTED BY GOVERNOR MELLETTE

The governor subsequently appointed Col. J. T. Huston, adjutant general; H. E. Blanchard, public examiner; F. H. Hagerty, commissioner of immigration, and Dr. D. E. Collins, veterinary surgeon general. For railway commissioners, J. H. King, of Rapid City; A. D. Chase, of Watertown; H. J. Rice, of Huron. J. L. Robinson, secretary of the board.

## CHAPTER CXV

### THE TWO DAKOTAS BECOME STATES

(1889)

#### (Conclusion of Territorial History)

ORGANIZING STATE OF SOUTH DAKOTA—MEETING AND DISCUSSIONS OF FIRST SOUTH DAKOTA LEGISLATURE—NAMES OF MEMBERS—ORDWAY, JEDD, PEW AND GIDEON C. MOODY ELECTED SENATORS—ORGANIZING STATE OF NORTH DAKOTA—STATE OFFICIALS—CONSTITUTIONAL CONVENTIONS—NAMES DAKOTA—NAMES OF MEMBERS—FIRST STATE CONVENTION, SOUTH DAKOTA—NAMES OF MEMBERS—FIRST REPUBLICAN STATE CONVENTION, NORTH DAKOTA—NAMES OF MEMBERS—FARMERS' ALLIANCE IN SOUTH DAKOTA—NORTH DAKOTA DEBATE—STATE CONVENTION—NAMES OF MEMBERS—ORDWAY SOUGHT A NORTH DAKOTA SENATORSHIP—MEETING OF NORTH DAKOTA LEGISLATURE—NAMES OF MEMBERS—EX-GOVERNOR PIERCE AND L. R. CASEY ELECTED UNITED STATES SENATORS—HARRISON'S STATEHOOD PROCLAMATION AND THE FORMALITIES OF ADMISSION TO THE UNION—THE TWO DAKOTAS MADE TWIN STATES—CONCLUSION.

#### SOUTH DAKOTA STATEHOOD

The general election for the ratification of the constitution, the election of state officers and a State Legislature, was held on Tuesday, October 1, 1889, in both North and South Dakota, and resulted in the ratification of the constitutions, and in the election of the republican state tickets, a Legislature largely republican in each state, the adoption of the prohibitory intoxicating liquor clause in each state, and the defeat of minority representation.

In North Dakota the public meetings had all been located by the constitution. In South Dakota a temporary capital was voted for, and the choice fell to Pierre by a large plurality. A very full vote was polled in South Dakota, but it was estimated that 20 per cent of the vote in North Dakota was not cast, thousands of the voters being engaged with the thrashing crews which were in the midst of their work in all parts of the state. The tables elsewhere printed give the official returns of the vote.

Section 24 of the organic bill passed by Congress prescribed the procedure, in case the constitutions were ratified, as follows:

Sec. 24. That the constitutional conventions have the authority to provide for the election of officers for full state government, including members of the Legislature and representatives in the United States Congress, and that such governments shall continue to organize until the states shall be admitted into the Union, and until the admission of the states.

In case the constitutions of any of the said proposed states shall be ratified by the people, but not otherwise, the President, the governor and secretary of state of the United States, and the governor and secretary of state of such proposed state shall certify the election of the governor and representatives to Congress, and when such state is admitted into the Union the senators and representatives shall be entitled to be admitted to seats in Congress, and to all the rights and privileges of senators and representatives of other states in the Congress of the United States. And the officers of the state governments formed in pursuance of said constitution, as provided by the constitutional conventions, shall proceed to exercise all the functions of such state officers, and all laws in force made by said territories at the time of their admission into the Union shall be in force in such states, except as modified or changed by the laws of the constitution of the United States, respectively.

Vol. II—10

Now the provisions of the new constitution are introduced to guide the pioneer officials in their earliest proceedings. Section 13 of the schedule and ordinance provided as follows:

Sec. 13. The Legislature elected under the provisions of this ordinance and constitution shall assemble at the temporary seat of government on the third Tuesday in October in the year A. D. 1889, at 12 o'clock M., and on the first day of their assemblage the governor and other state officers shall take the oath of office in the presence of the Legislature. The oath of office shall be administered to the members of the Legislature and to the state officers by the chief justice of the territory, or by any other officer duly authorized by the laws of the Territory of Dakota to administer oaths.

Sec. 14. Immediately after the organization of the Legislature and taking the oath of office by the state officers, the Legislature shall then and there proceed to the election of two senators of the United States for the State of South Dakota, in the mode and manner provided by the laws of Congress for the election of United States senators. And the governor and the secretary of state of South Dakota shall certify the election of said senators and two representatives in Congress in the manner required by law.

Sec. 15. Immediately after the election of the United States senators as above provided for, said Legislature shall adjourn to meet at the temporary seat of government on the first Tuesday after the first Monday of January, 1890, at 12 o'clock M. Provided, however, that if the State of South Dakota has not been admitted by proclamation or otherwise at said date, then said Legislature shall convene within ten days after the date of admission of the state into the Union.

The procedure for electing senators had been prescribed by the laws of the United States and needed no modification to suit it to the Dakota situation. Chapter I, Title 2, of the United States Revised Statutes thus regulates the matter:

Sec. 14. The Legislature of each state which is chosen next preceding the expiration of the time for which any senator was elected to represent such state in Congress shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a senator in Congress.

Sec. 15. Such election shall be conducted in the following manner. Each house shall openly, by a viva voce vote of each member present, name one person for senator in Congress from such state, and the name of the person so voted for who receives a majority of the whole number of votes cast in each house shall be entered on the journal of that house by the clerk or secretary thereof, or, if either house fails to give such a majority to any person on that day, such fact shall be entered on the journal. At 12 o'clock meridian of the day following that on which proceedings are required to take place as aforesaid, the members of the two houses shall convene in joint assembly, and the journal of each house shall then be read, and if the same person has received a majority of all the votes in each house, he shall be declared duly elected senator. But if the same person has not received a majority of the votes in each house, or if either house has failed to take proceedings as required by this section, the joint assembly shall then proceed to choose by a viva voce vote of each member present a person for senator, and the person who receives a majority of all the votes of the joint assembly, a majority of all the members of both houses being present and voting, shall be declared duly elected. If no person receives such a majority on the first day, the joint assembly shall meet at 12 o'clock meridian of each succeeding day during the session of the Legislature, and shall take at least one vote until a senator is elected.

Sec. 16. Whenever on the meeting of the Legislature of any state a vacancy exists in the representation of such state in the Senate, the Legislature shall proceed, on the second Tuesday after meeting and organization, to elect a person to fill such vacancy in the manner prescribed in the preceding section for the election of a senator for the full term. (This section was applicable to the situation in both the Dakotas.)

Sec. 17. Whenever during the session of the Legislature of any state a vacancy occurs in the representation of such state in the Senate, similar proceedings to fill such vacancy shall be had on the second Tuesday after the Legislature has organized and has notice of such vacancy.

In 1885 South Dakota had taken all the necessary preparatory steps for admission into the Union under the name of the "State of Dakota," under the authority of an act of the Legislature of the Territory of Dakota, but had not been able to secure admission into the sisterhood, as has been quite fully related in these pages. At that time the Legislature then chosen elected Judge G. C. Moody and Judge A. J. Edgerton as the senators, there being no other candidates, and the two selected being the popular choice. Since that event



Hon. R. F. Pettigrew, of Minnehaha County, had grown to be a popular name and was, in 1885, a leader in the political rank, with the most numerous following, and with less opposition than almost any had ever previously featured. The Farmers' Alliance had in the meantime become a powerful factor, and though its majority was allied with the republican party, it elected a number of advanced political tenets that could be promoted by harbor a center elected that would represent them in addition to the principles of the republican party. Hence a candidate from the Alliance, Mr. Adams Woodhull, came into the field with the purpose of displacing Mr. Moody, who was opposed to them. He was, however, largely, as it appeared, on personal grounds. Mr. Woodhull himself would doubtless have been in the field, but was not eligible at the time, not having been a citizen of the United States the required period. Mr. Woodhull was president of the Alliance and a man of excellent ability and well equipped for public station. Judge Moody and Judge McGowan, who had been energetically and ably laboring to promote South Dakota's entrance to Washington since their election in 1885, were also prominent candidates for reelection.

Under the constitution which had been ratified October 1st, the Legislature was given but two weeks' time in which to prepare for its first session, at which United States senators were to be elected. In the meantime the votes were to be canvassed, returns made to the secretary of the territory, and a final session made by the territorial canvassing board and certification of election issued to the persons elected to state offices and the Legislature. All this had to be done in an unusually hurried manner, and at the time of the convening of the Legislature at Pierre there were still three House members whose election had not been definitely determined. But the constitution required the meeting of the Legislature and the qualification of the state officers on that date, and there was no authority to change it. The returns to the hands of the secretary indicated that the Legislature would be made up of forty-one republicans in the State Senate, three democrats and one independent republican. In the House, 111 republicans, nine democrats and one independent republican. There were forty-one senatorial districts and fifty representative districts. The state senators-elect were:

First district, Union County, F. C. Frieson, Elk Point; Second district, Clay County, John L. Jolley, Vermillion; Third district, Yankton County, L. B. French, Yankton; Fourth district, Bon Homme County, George W. Smith, Springfield; Fifth district, Lincoln County, H. F. French, independent republican, Canton; Sixth district, Turner County, Vale P. Thielman, Parker; Seventh district, Hutchinson County, C. J. Berger (democrat), Oliver; Eighth district, Charles Mix and Douglas counties, F. L. Tomlinson, capsules; Ninth district, Minnehaha County, A. B. Kittredge, Sully Falls, and J. A. Gables, Dell Rapids; Tenth district, McCook County, J. H. Brown, Sully; Eleventh district, Hanson County, M. E. Corbin, Alexandria; Twelfth district, DeSoto County, George A. Johnson, Mitchell; Thirteenth district, Aurora County, W. M. Smith, Plankinton; Fourteenth district, Burke County, J. M. Perkins, Chamberlain; Fifteenth district, Moody County, L. Hawboldt, Plankinton; Sixteenth district, Lake County, H. F. Smith, Michigan; Seventeenth district, Miner County, Dr. J. A. Troy, Carthage; Eighteenth district, Sully County, C. A. Warner, Artesian; Nineteenth district, Beadle and Buffalo counties, Geo. S. Y. Hunter, Wessington Springs; Twentieth district, Brookings County, H. J. Cooke, Brookings; Twenty-first district, Kingsbury County, J. R. Sommer, DeSoto; Twenty-second district, Beadle County, John C. Olson, Twenty-third district, Hand County, George R. Mason, Miller; Twenty-fourth district, Hyde and Hughes counties, Geo. I. Crawford, Pierre; Twenty-fifth district, Sully and Potter counties, L. C. Leppich, Cretaceous; Twenty-sixth district, Deuel County, T. R. Westcott, Goodfellow; Twenty-seventh district, Hamlin County, Geo. E. Ford, Bryant; Twenty-eighth district, Codington County, W. B. Thomas, Wessington; Twenty-ninth district, Clark County, C. C. Sweeney, Clark; Thirtieth district,

Spink County, Thomas Sterling, Redfield, H. T. Hunter, Mellette; Thirty-first district, Grant and Roberts counties, John S. Proctor, Milbank; Thirty-second district, Day County, John Norton, Webster; Thirty-third district, Brown County, L. C. Dennis, Aberdeen, George W. M. Miller, Frederick; Thirty-fourth district, Marshall County, Richard Williams, Langford; Thirty-fifth district, Faulk County, F. M. Byrne, Faulkton; Thirty-sixth district, Edmunds and McPherson counties, F. M. Hopkins, Roscoe; Thirty-seventh district, Walworth and Campbell counties, George H. Hoffman, Bangor; Thirty-eighth district, Lawrence County, Charles Parsons, Lead City, F. J. Washabaugh, Deadwood; Thirty-ninth district, Pennington County, A. W. Bangs (democrat), Rapid City; Fortieth district, Meade County, Edward Galvin (democrat), Sturgis; Forty-first district, Custer and Fall River counties, Dr. A. S. Stewart, Custer City.

#### MEMBERS OF THE HOUSE OF REPRESENTATIVES

First district, Union County, J. E. Sinclair, Beresford, J. B. Brouillette, Jefferson, Ole Gunderson, Brule; Second district, Clay County, Darwin M. Inman, Vermillion, John F. Norelius; Third district, Yankton County, John O. Aseth, Gayville, Fred Schnauber, Yankton, Phil K. Faulk, Yankton, E. G. Edgerton, Yankton; Fourth district, Bon Homme County, A. J. Abbott, Bon Homme, Frank Trumb, Choteau Creek, A. W. Lavender, Scotland; Fifth district, Lincoln County, Henry Bradshaw, Maple Grove, H. D. Fitch, Eden, O. A. Helvig, Canton; Sixth district, Turner County, C. J. Bach, Hurley, D. W. Tyler, Marion, E. M. Mann, Swan Lake; Seventh district, Hutchinson County, M. K. Bowen, Milltown; A. J. Yerker, Freeman; Eighth district, Douglas County, F. LeCocq, Jr., Harrison, Frank Peacock, Armour; Ninth district, Charles Mix County, George Norbeck, Bloomington, Edwin Morgan, Castalia; Tenth district, Minnehaha County, S. E. Young, Sioux Falls, C. W. Hubbard, Sioux Falls, John F. Norton, Sioux Falls, Lasse Bothun, Palisades, Charles T. Austin, Taopi, Sever Wilkinson, New Hope, J. R. Manning, Valley Springs; Eleventh district, McCook County, Joshua Watson, Canistota, W. T. Pierce, Dover; Twelfth district, Hanson County, W. C. Wright, Emery, H. P. Benjamin, Alexandria; Thirteenth district, Davison County, D. M. Powell, Mount Vernon, A. L. Tibbitts, Ethan; Fourteenth district, Aurora County, John Davis, Plankinton, J. L. Heintz, White Lake; Fifteenth district, Brule County, Henry Hilton, C. J. Maynard, L. S. House, all of Kimball; Sixteenth district, Moody County, Samuel L. Hess, Flandrau, W. H. Loucks, Trent; Seventeenth district, Lake County, Frank Knight, Romona, B. B. Dowell, Madison, N. O. Helgeson, Prairie Queen; Eighteenth district, Miner County, S. Jones, Roswell, R. D. Stove, Howard; Nineteenth district, Sanborn County, S. T. Winslow, Woonsocket, W. H. McKeel, Artesian; Twentieth district, Jerauld County, V. I. Converse, Alpena; Twenty-first district, Buffalo County, Ed Daniels, Gann Valley; Twenty-second district, Brookings County, M. A. Stanley, Volga, H. I. Stearns, Brookings, Asa B. Doughty, White; Twenty-third district, Kingsbury County, W. H. Matson, Iroquois, George H. Whiting, Esmond, Edward Benke, Arlington; Twenty-fourth district, Beadle County, Karl Gerner, Iroquois, George E. Mahaffa, Wessington, E. Wilson, Hitchcock, Frank Munson, Virgil, Maris Taylor (democrat), Huron; Twenty-fifth district, Hand County, L. W. Lansing, Ree Heights, E. T. Sheldon, St. Lawrence, W. W. Johnson, Dean; Twenty-sixth district, Hyde County, B. F. McCormick, Highmore; Twenty-seventh district, Hughes County, W. Summer-side, Harrold; Twenty-eighth district, Sully County, W. H. Little, Warnecke; Twenty-ninth district, Deuel County, M. F. Greeley, Gary, G. E. Hodgkins, Estelline; Thirtieth district, Hamlin County, M. M. Karlstad, Seward, J. C. Sharp, Castlewood; Thirty-first district, Codington County, Alex McIntyre, Watertown, A. B. Henry, Henry, T. G. Wilson, Waverly; Thirty-second district, Clark County, F. W. Collins, Willow Lake, W. B. Kenyon, Bradley, Alfred Heaton, Raymond; Thirty-third district, Spink County, J. M. Howard, Turton,

C. H. Driesbach, Frankfort; E. F. Miller, Canby; E. W. Bosterman, Ashton; J. F. Wood, Doland; Thirty-fourth district, Buck County, E. C. Sage, Flandreau; W. D. Elting, Paulsen; Forty-fifth district, Brown County, C. A. McCormick, Copp; Thirty-sixth district, Grant County, W. D. Loewson, Turrill; S. L. Partridge, Milbank; Thirty-seventh district, Roberts County, Lamm, Mickelson, Wilbourn; Thirty-eighth district, Day County, C. W. Smithing, Andover; M. Kestlund, Waubay; J. J. Prosser, Webster; Thirty-ninth district, Marshall County, Peter Berkman, Amherst; John Hoyer, Huron; North Dakota; fortieth district, Brown County, M. J. Gordon, Aberdeen; C. B. Deley, Columbia; F. H. Smith, Groton; S. A. Keupoly, Pierre; J. C. Simmons, Frederick; J. J. Benson, Westport; A. H. Green, Warner; W. A. Burnham, Groton; Forty-first district, Edmunds County, John Ridd, Roscoe; Davis, Gumbel, Mayville; Forty-second district, Walworth County, M. F. DeWoolly, Bangor; Forty-third district, McPherson County, Fred Jung, Long Lake; William Emerson, Canby; Forty-fourth district, Campbell County, J. B. Varnum, Mount City; Forty-fifth district, Fall River County, H. A. Godard, Smithwick; Forty-sixth district, Carter County, Cyrus Cole, A. S. Way, both of Hebron; Forty-seventh district, DeWitt County, R. B. Hughes, Rapid City; Joseph Jolley, Rapid City; Forty-eighth district, Meade County, M. M. Cooper, Sargent City; S. H. Miller, Grandhall; Forty-ninth district, Lawrence County, W. S. O'Brien, Lead City; W. H. Parker, Deadwood; James Anderson, Deadwood; Sol Star, Deadwood; Robert Graham, Terryville; John Wolzmueth, Spearfish; Fiftieth district, Butte County, F. B. Cummings, Minnecola.

The Legislature convened at noon on Tuesday, October 15, 1886, the House of Representatives in the courthouse, and the Senate in the Presbyterian Church, rather a commendable beginning so far as the place of meeting were concerned. Pierre, however, had not known it would be the temporary capital until less than a fortnight before, and it will be understood that it had not had time to build suitable accommodations for the capital. On this occasion it was estimated, after considerable inquiry, that there were about 1,200 visitors present in town when the Legislature convened. John Ridd, of Edmunds County, acted as temporary chairman of the House, and J. W. Cone, of Burke County, temporary secretary. After prayer and the calling of the roll, S. C. Young, of Minnehaha County, was elected speaker by a vote of 118 to 14, the latter number being cast by the democratic faction for R. B. Hughes, democratic member from DeWitt County. J. W. Cone, of Burke County, was elected chief clerk under the permanent organization, and W. Hatching, of DeWitt County, sergeant at arms.

In the Senate the body was called to order by its president, Lieutenant Governor Fletcher. Prayer was offered by Reverend Mr. Brown, and F. A. Burdick, of Yankton, was elected chief clerk, J. C. Cummings, of Brookings County, sergeant at arms, and Rev. Edmund Brown, of Kingsbury County, chaplain. Owing to the prevalence of a serious doubt regarding the lieutenant governor's eligibility to sit, Sen. Frank J. Washabaugh, of Lawrence, acted as president of the Senate.

The two houses having perfected their organization, the ceremony of administering the oath of office to all the state officers took place on the porch in front of the courthouse. Chief Justice Thorburn, Tapp, administering the oath. The Legislature took a recess to adjourn the senate session, after which it reconvened, and without further adjourn occurred until 2 o'clock P. M. the following day.

In the evening of the 15th the republican members held a caucus at the courthouse to decide whom to support for members. The Hon. John L. Bailey, state senator from Clay County, was elected chairman of the caucus by a unanimous vote, and Hon. Carl Garner, of DeWitt County, and Hon. E. C. Erickson, of Union County, were appointed secretaries. There were also two others appointed, one for each assembly, namely, C. C. Moore, M. F. Peterson, A. J. Edgerton and Alonzo Warrick. A. L. Kittredge was the teller for Mr. Peter-



grew. The names of the others are wanting. These preliminaries being arranged, the nomination of candidates for United States senator was declared to be in order, whereupon Hon. M. J. Gordon, of Brown County, in an able speech, placed in nomination Hon. Gideon C. Moody, which was eloquently seconded by Hon. John Cain, of Beadle County. There was considerable cheering following the nomination of Mr. Moody.

The Hon. S. E. Young, who had been elevated to the speakership, then took the floor, and being one of the finest orators in the new state, presented the meritorious qualities of his candidate in the most eloquent and telling manner, and when he pronounced the name of Frank Pettigrew it was greeted with much enthusiasm. Hon. Coe I. Crawford then seconded the nominations of both Moody and Pettigrew in an effective speech, demonstrating that he was much more than an ordinary speaker, and quite at home upon the occasion.

The Hon. E. B. Cummings, of Butte County, came next, placing in nomination Hon. Alonzo Wardell, who was said to have the favor of the Farmers' Alliance. Mr. Cummings' effort was warmly praised for its effective style and logical reasoning. The times were pregnant with the new, reasonable and substantial demands of the important association represented by the Hon. Alonzo Wardell, to whose claims could be added the fact that he was an unswerving upholder and defender of republican principles, and was also a capable representative of the reforms in the economy of agriculture and transportation that were beginning to be recognized as issues of the utmost importance to the welfare and prosperity of the people everywhere, and to none of greater importance than to South Dakota. The speech received abundant evidence that he had a sympathetic audience and an appreciative one.

Doctor Spooner, of Kingsbury County, followed with an earnest recital of the many excellent qualities of the Hon. Alonzo J. Edgerton. The speaker had an excellent subject, whose public career and private life afforded an attractive theme for the occasion, and one that afforded opportunity for bestowing much praise without exaggeration. His candidate was unquestionably in the house of his friends, highly esteemed, and had there been three senators to elect, it would be safe to say that he would have been named one of the successful ones.

With the close of Doctor Spooner's remarks the list of candidates was completed, and an informal ballot was ordered, which being taken, disclosed the following result: For B. F. Pettigrew, 98 votes; for G. C. Moody, 85 votes; for A. J. Edgerton, 67 votes; for Alonzo Wardell, 44 votes. Mr. Cummings, then, on behalf of his candidate, Mr. Wardell, moved that proceedings under the informal ballot be suspended, and that Pettigrew and Moody be declared the unanimous nominees. The motion was seconded amid much enthusiasm, and carried by a unanimous vote.

This was followed by the introduction of the successful candidates, and their acceptance of the nominations in a formal manner.

Judge Edgerton, in response to a general and vociferous demand, spoke briefly and wisely, exhibiting no symptoms that he retained any unkind sentiment. He said "the voice of the people was the voice of God," and he bowed to the will of the majority, and should go forward doing what he could to promote the welfare of the people and the interests of the new state. He paid a complimentary tribute to the successful candidates.

Mr. Wardell stated that as a good republican he was ruled by the majority, and was satisfied that the state would have capable senators, who could be trusted. He was especially grateful to the many friends who had steadfastly stood by him.

On the following day the Legislature confirmed the action of the republican caucus, electing Pettigrew and Moody United States senators from South Dakota. The democratic members, to the number of seventeen, voted for Bartlett Tripp and M. H. Day.

This concluded the work authorized for this session, and the Legislature adjourned to meet the first Tuesday after the first Monday in January, 1890. South Dakota had not yet been admitted into the Union. That territory waited with the President, and he was expected to wait until North Dakota was ready for admission. The north state would elect its senators later in the month.

Prior to the final adjournment, the Legislature passed a resolution authorizing Chicago as the exposition city for the Columbian Exposition of 1893. It also adopted a resolution requesting the Dakota government to take for an appropriation to defray the expense of making surveys and having wells with a view of determining the extent of South Dakota's water resources.

The members of the Legislature joined in a request for the appointment of Judge Edgerton to the office of judge of the district of South Dakota.

#### EDGERTON ENDORSED BY CONSTITUTIONAL SOCIETY AND PETITION

Judge A. J. Edgerton's name was presented to the President by petition for the office of United States district judge of South Dakota, about November 5th. The petition was endorsed by the two South Dakota senators, the governor of the state and most of the state officers, the judges of the State Supreme Court, a large number of the members of the State Legislature and many citizens. Later a call was made upon the attorney general and the callers were assured the appointment would be made.

About November 18th, Alonzo J. Edgerton, then of Mitchell, South Dakota, was appointed judge of the United States District Court for the district of South Dakota—a life position, and one he was well qualified to fill. The appointment was quite satisfactory to the people of the state, the judge having previously served a term as a member of the United States District Court, occupying at that time the position of chief justice.

At the time of the election of Messrs. Moody and Pettigrew to the Senate a biographical sketch was published of each which may be accepted as authentic. The sketches did not appear until both had been elected and were on their way to Washington to urge the promulgation of the proclamation that would admit South Dakota into the Union, and which was awaiting the action of North Dakota in order that the President might have the satisfaction of proclaiming full statehood for both at the same time. The sketch of Judge Moody is first given, he being the eldest:

"Gideon C. Moody is a native of Indiana, where he lived when the War of the Rebellion began. He received a good education and chose the profession of law for his calling. He was an impetuous, ardent republican already active in political affairs when the first call for troops was made by Lincoln after the firing upon Sumter. He enlisted as a private and was commissioned first lieutenant April 10, 1861. When the company was organized it was assigned to the Nineteenth Indiana Regiment of Infantry Volunteers, and Lieutenant Moody was promoted to captain. The regiment was sent to West Virginia, where he took part in the battles of Phillip and Laurel Hill, led the march at the latter place, and participated in the battle of Crampton's Road, where the rebel General Garnett was killed. When he returned to his old home at Laurel Hill he received notice through Snyder Colfax of his appointment as captain in the Nineteenth United States Regulars. The term of enlistment of his regiment, three months, having expired, it returned to Indiana and was mustered out. Governor Morton then offered him a commission as colonel of a regiment of the best one companies he could pick out of twenty-one that he chose. But Moody declined, having promised the men of his old regiment that he would go with them if they reenlisted. This was done. The Ninth Indiana was formed and Captain Moody commissioned as lieutenant colonel. The regiment then was sent to West Virginia. While in that field he was promoted colonel in command.

"His regiment was finally ordered to join Buell's forces at Nashville. He took part in the battle of Shiloh. His adjutant was shot at his side, and his regiment lost 172 out of 448 engaged. On his return to Nashville he had trouble with General Wilson for his outrageous abuse of the men. He shared the general feeling that General Buell was disloyal, and he did not hesitate to express his views. It will be remembered that there was a serious quarrel among the officers of that command, one of whom met his death because of it. In this state of affairs Colonel Moody asked to be mustered out, that he might join his company in the regular army. His request was granted, for no doubt General Buell desired to be rid of Moody's censure. He served as a regular army officer in various commands, sometimes commanding a regiment, and was aide to General Thomas during the campaigns of Chickamauga, Chattanooga and Missionary Ridge. Believing, in the spring of 1864, that the war was nearly ended, he resigned, came back to Indiana, and shortly after, with his family, joined the New York colony bound for Dakota and emigrated to Yankton. He settled at Yankton and remained there fourteen years. He was elected to the Legislature for three terms, 1867, 1869 and 1874. He was chosen speaker of the House in 1869, and again in 1874. In 1878 he was appointed associate justice of the Supreme Court of Dakota, and was assigned to the Black Hills district, succeeding Judge Bennett, who had been elected to Congress. This is where the colonel received his title of judge. In 1883 he was a member of the first constitutional convention. In 1885 he was elected to the second constitutional convention. In both conventions he was chairman of the Judiciary Committee. He drafted the first memorial to Congress for the division of Dakota Territory and the admission of South Dakota as a state. That document may be said to have been the basis of all similar appeals. It has been embodied in the proceedings of both branches of Congress. When the first south state government was organized Mr. Moody was elected one of the senators, almost without opposition. The place was conceded to him. His gallant fight at Washington to defeat the one-state movement will be remembered. His efforts had ever been for the welfare of South Dakota. His ability no one questions."

"Hon. Richard F. Pettigrew was born in Ludlow, Vermont, in 1848. When six years old, his father and family moved to Wisconsin and took up a preemption. 'Frank,' as he is popularly called, received the training and education of an ordinary farmer boy. At sixteen years of age his father released him from farm work, that he might get a better education than the public school afforded. This opportunity, although not very promising to one less hopeful, Frank made use of to good advantage. He paid for his schooling at the college by janitor work. When within one term of graduation his father died and no one was left at home to run the farm. Frank felt it his duty to leave school that spring to put in the crop, and he did not finish his course. His career from that time was not of an unusual character. He taught school, did farm work and commenced the study of law. He entered the law department of the State University at Madison, and continued his course until his money was exhausted. He then joined a surveying party to survey in Dakota in 1869. During this year he took up a piece of land as a preemption where a portion of Sioux Falls has been built. He returned to Madison that winter and pursued his law studies, emigrating to Dakota the following year, making Sioux Falls his home. He cultivated forty acres of his Dakota claim the first season, doing the work himself. He was well satisfied that Sioux Falls was destined to become an important commercial and manufacturing point, and he intended to grow up with it.

In 1875 he was elected to the Territorial House of Representatives, and to the Council in 1877 and 1879. In 1880 he was elected delegate to Congress. In these several legislative positions he acquitted himself with ability, and established a record for faithfulness and tireless industry. He had kept himself free from all jobs and forms of corruption, and was proof against the ordinary ac-



[illegible]

PRESIDENT: PROCLAMATION ADMIRABLE, BUT BE CAREFUL.

tional convention of South Dakota, as therein provided, each elector might have written or printed on his ballot "For the Sioux Falls Constitution," or "Against the Sioux Falls Constitution," and that the votes on this question should be counted in the same manner as the votes for the election of Governor and Legislature, and that all the votes on this question should be counted in the same manner as the votes for the election of Governor and Legislature, and that the convention which might assemble at Sioux Falls, as provided for in the constitution of the people of South Dakota, for ratification or rejection, at the election of 1885, of the constitution framed at Sioux Falls, and adopted November 3, 1885, and also the articles and propositions separately submitted at that election, including the question of locating the temporary seat of government, with such changes only as related to the name and boundary

of the proposed state, to the reapportionment of judicial and legislative districts, and such amendments as might be necessary in order to comply with the provisions of the act; and

Whereas, It was provided by said act that the constitution formed for the people of South Dakota should, by an ordinance of the convention forming the same, be submitted to the people of South Dakota, at an election to be held on the first Tuesday in October, 1889, for the ratification or rejection by the qualified voters of said proposed state, and that the returns of said election should be made to the secretary of the Territory of Dakota, who, with the governor and chief justice thereof, or any two of them, should canvass the same, and if a majority of the legal votes cast should be for the constitution, the governor should certify the result to the President of the United States, together with a statement of the votes cast thereon, and upon the separate articles or propositions, and a copy of said constitution, articles, propositions and ordinances; and

Whereas, It has been certified to me by the governor of the Territory of Dakota that at the aforesaid election for delegates, the "Sioux Falls constitution" was submitted to the people of the proposed State of South Dakota, as provided in said act, that a majority of all the votes cast on the question was "For the Sioux Falls Constitution," that said constitution was, at the time prescribed in the act, resubmitted to the people of South Dakota, with proper changes and amendments, and has been adopted and ratified by a majority of the qualified voters of said proposed state, in accordance with the conditions prescribed in said act; and

Whereas, It is also certified to me by said governor that at the same time the body of said constitution was submitted to a vote of the people two additional articles were submitted separately, to wit: An article numbered 24, entitled "Prohibition," which received a majority of all the votes cast for and against said article, as well as a majority of all the votes cast for and against the constitution, and was adopted, and an article numbered 25, entitled "Minority Representation," which did not receive a majority of the votes cast thereon and was rejected; and

Whereas, A duly authenticated copy of said constitution, additional articles, ordinances and propositions, as required by said act, have been received by me,

Now, therefore, I, Benjamin Harrison, President of the United States of America, do, in accordance with the act of Congress aforesaid, declare and proclaim the fact that the conditions imposed by Congress on the State of South Dakota to entitle that state to admission to the Union have been ratified and accepted, and that the admission of said state into the Union is now complete.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this second day of November, in the year of our Lord 1889, and of the independence of the United States of America the 114th. By the President,

BENJAMIN HARRISON.

JAMES G. BLAINE, Secretary of State.

The state officers-elect of South Dakota assembled at Pierre on Wednesday, November 6, 1889, and the state government was organized and set in motion, with Arthur C. Mellette, as governor; J. H. Fletcher, lieutenant governor; L. C. Taylor, auditor; A. O. Ringsrud, secretary of state; W. F. Smith, treasurer; Robert Dollard, attorney general; G. L. Pinkham, superintendent of public instruction; O. H. Parker, commissioner of school and public lands. A building to accommodate the state officers and Legislature was erected, but prior to its completion the officials had quarters in the courthouse.

The city government of Pierre gave a reception to the officers of the state on the evening of the 6th, which was held at the opera house, and presided over by Mayor Johnson. Addresses were made by Governor Mellette, Judge Corson and Attorney General Dollard, while Pierre responded through Coe I. Crawford, who had been elected a state senator from Hughes County. The proceedings were eminently appropriate to the occasion, and the new state government's inauguration furnished an epoch in the history of the great Northwest, for about the same time the states of North Dakota and Montana, all a part of the original Territory of Dakota, participated in similar ceremonies. The addresses, which were warmly praised by those who listened to them and by the local press, were not preserved.

The first official act of Governor Mellette was a Thanksgiving proclamation:

Executive Office, State of South Dakota, Pierre, November 11, 1889.

The President of the United States, in recognition of an appropriate custom of the American people, having so recommended, and the people of South Dakota having peculiar cause for rejoicing as well for the material and spiritual blessings vouchsafed them during

the past year, as for the future, with the hope that God will continue to bless the executive of this first State Government, and that the Territory, under his leadership, will be a blessing to the people of the West. He then turned to the people and said: "I am grateful to God for past mercies, and pray for future aid in establishing the commonwealth in liberty, truth and righteousness, that it may abide forever to bless and be blessed as part of the sacred Union."

In view of the special privilege of commemorating the state's nativity in the very month thereof, the executive recommended that all persons and places be decorated with flags on Monday, A. M., upon the day named, and that the people be exhorted to meet in public places of assembly and instruction, and devote an evening to holy praise and prayer and patriotic song and story, to the end that the young may be inspired with lofty purpose and the aged gladdened with the remembrance of work well done, and the hearts and homes of all inspired with renewed faith to go forward. The executive further and most earnestly recommends and enjoins that the people may freely feast on their commonwealth, and that no one be left out of it, us who are in need, that none may feast until all are fed, to the end that the occasion may long be remembered both from the joy that cometh from giving and receiving, and that Christian charity and brotherly love may ever abide as the chief cornerstone of the commonwealth.

ARTHUR C. JOHNSON.

#### NORTH DAKOTA CONSTITUTIONAL CONVENTION

A proclamation by Governor McJannet, as required by the enabling act, was issued April 15th, calling an election of delegates to the constitutional convention of North Dakota, to be held on Tuesday after the second Monday in May, which proclamation was required by the enabling act and was similar to the like document issued in regard to South Dakota, except the latter had to deal with the Sioux Falls constitution already prepared.

In accordance with the proclamation, the delegates to the North Dakota convention assembled at 12 o'clock M., July 4, 1889, in the hall of the House of Representatives, Bismarck, and was called to order by the secretary of the territory, L. B. Richardson, at whose invitation Rev. Joseph Anderson, pastor of a church at Bismarck, invoked the divine blessing upon the convention.

Following the prayer, the secretary acted as chairman, and the convention chose a temporary chairman. A temporary secretary was elected, and following this, F. B. Fancher, of Jamestown, was elected temporary chairman, who appointed a Committee on Credentials and also a Committee on Rules, when an adjournment was taken until the following day.

Mr. Fancher was vice president of the Farmer Alliance. His opponent, Mr. John Miller, of Richland County, was also an Alliance man, and was afterwards elected the first governor of North Dakota. Fancher's election was agreed upon in a caucus of republican members.

The Committee on Credentials reported the second day and found the following named delegates entitled to seats in the convention. (North Dakota had been divided into twenty-five districts by the governor, chief justice and secretary at the same meeting when South Dakota was carved out.)

First District—The townships of Dayne, Lincoln, Elliot, Beeding, Carleton, Midland, Hamilton, Rathgate, Nyeh, St. Joseph, Wabasha, Pennington county.

Delegates—R. B. Richardson, District; H. L. Himes, Nyeh; W. H. Best, Bay Centre.

Second District—The townships of Mary, Cavalier, Hargrave, Park, Langdon, Beaubien, Garfield, Crystal, Fama and St. Thomas, Pembina county, and the townships of Montrose, Alma and Osnabrock, Cavalier County.

Delegates—John McFried, Alma; A. F. Appleton, Crystal; Joseph Washel, Milton.

Third District—The townships of Olga, Everett, Loom, Harvey, Hope, Langdon, Luttlen, Grant School and Carson, together with all the remaining portion of Cavalier County not heretofore specified, and the townships of Rolette and Towner.

Delegates—P. McHugh, Langdon; C. F. Parsons, Luttlen; H. H. Clark, Langdon.



Fourth District—The counties of Bottineau, McHenry, Ward, Pierce, Church and Renville.

Delegates—Joseph L. Colton, Burlington; V. B. Noble, Bottineau, Ezra Turner, Bottineau.

Fifth District—The counties of Burleigh, McLean, Mercer, Sheridan, Stevens, Garfield, Mountrail, Williams, Dunn, McKenzie, Wallace, Aldred, Buford, Flannery, Hettinger and Bowman.

Delegates—E. A. Williams, Bismarck; Harvey Harris, Bismarck; John E. Carland, Bismarck.

Sixth District—The counties of Morton, Oliver, Stark and Billings.

Delegates—A. W. Hoyt, Mandan; William Ray, Dickenson; A. S. Parsons, Mandan.

Seventh District—The counties of Emmons, Logan, McIntosh, Kidder, Wells, and all that portion of the County of LaMoure lying west of the west line of range 63 west.

Delegates—George H. Fay, Ashley; James B. Gayton, Hampton; Charles V. Brown, Sykeston.

Eighth District—The County of Dickey, and voting precincts numbered 3, 4, 6, 7, 8, 12, 13, 14, 19 and 20, in the County of LaMoure.

Delegates—Alexander D. Flemington, Ellendale; William H. Rowe, Monango; Lorenzo D. Bartlett, Ellendale.

Ninth District—The County of Ransom and all the remaining portion of the County of LaMoure not included in Districts 7 and 8 as above described.

Delegates—Andrew Sandager, Lisbon; Reuben N. Stevens, Lisbon; Samuel H. Moer, LaMoure.

Tenth District—The County of Sargent and the townships of Ellendale, Cheyenne, West End, Dexter and Park, in Richland County.

Delegates—J. D. McKenzie, Milnor; John Shuman, Rutland; John Powers, Havanna.

Eleventh District—All the remaining portion of the County of Richland not included in the Tenth District above described.

Delegates—Andrew Slotten, Wahpeton; W. S. Lander, Wahpeton; W. F. Purcell, Wahpeton.

Twelfth District—The City of Fargo and the townships of Fargo, Barnes, Reed and Harwood in the County of Cass.

Delegates—H. F. Miller, Fargo; B. F. Spaulding, Fargo; Jacob Lowell, Fargo.

Thirteenth District—The townships of Pleasant, Stanley, Norman, Warren, Mapleton, Raymond, Berlin, Gardner, Wiser, Noble, Kinyon, Elm River, Francis, Rush River, Harmony, Casselton, in the County of Cass.

Delegates—R. M. Pollock, Casselton; Addison Leach, Davenport; H. M. Peterson, Horace.

Fourteenth District—All that portion of the County of Cass not contained in the Twelfth and Thirteenth districts as above defined.

Delegates—F. W. Chaffee, Amenia; William J. Clapp, Tower City; Enos Gray, Embden.

Fifteenth District—The County of Barnes.

Delegates—Elmer Elliott, Sanborn; John W. Scott, Valley City; Jay Wellwood, Minnie Lake.

Sixteenth District—The County of Stutsman.

Delegates—F. B. Fancher, Jamestown; E. W. Camp, Jamestown; Andrew Blewett, Jamestown.

Seventeenth District—The counties of Benson, Eddy, Foster, and all that portion of Griggs County west of the west line of range 59.

Delegates—H. M. Clark, New Rockford; E. S. Rolfe, Minnewaukan; O. G. Meacham, Carrington.

**Eighteenth District.**—All that portion of the County of Lodge not described in said district numbered 17, the County of Steele, and the Township of Altonville, including the City of Portland and the Township of Mayville, including the City of Mayville, in the County of Trail.

**Delegates.**—E. D. Wallace, Hope; E. M. Paulsen, Mayville; David Hartner, Cooperstown.

**Nineteenth District.**—All the remaining portion of the County of Trail not described in district numbered 18.

**Delegates.**—Knud J. Knudland, Coltonville; E. F. Jones, Hillburn; M. J. Hegge, Hegge.

**Twentieth District.**—The City of Grand Forks and the townships of Grand Forks, Brenna, Rye, Lakonan, Farney, Lerma, Lakeville, Levant and Turtle River, in the County of Grand Forks.

**Delegates.**—William Badger, Grand Forks; Richard Bennett, Grand Forks; Alexander Griggs, Grand Forks.

**Twenty-first District.**—The townships of Strickland, Johnsonville, Milas, Gully, Wheatfield, Hegton, McKinley, Blooming, Arvilla, Chester, Oakville, Ayres, Pleasant View, Fairfield, Washington, Union, Alhambra, Walla, Michigan, Americus and Bentue, and the City of Larimore, in the County of Grand Forks.

**Delegates.**—Charles Carothers, Fairbairn; Arne P. Haugen, Rosendale; J. H. Matthews, Larimore.

**Twenty-second District.**—The townships of Elkwood, Webster, Oakwood, Agnes, Niagara, Elm Grove, Moraine, Larimore, Logan, Garret, Loretta, Lind and Northwood, in the County of Grand Forks, and the County of Nelson.

**Delegates.**—M. N. Johnson, Lakota; M. V. Lingell, Northwood; T. W. Bean, Michigan City.

**Twenty-third District.**—The County of Ramsey.

**Delegates.**—A. O. Whipple, Devil's Lake; James F. O'Brien, Devil's Lake; Edward Lohnes, Devil's Lake.

**Twenty-fourth District.**—All that portion of the County of Walsh east of the east line of range 54.

**Delegates.**—James Bell, Minto; A. D. Robinson, Minto; M. K. Marriman, Grafton.

**Twenty-fifth District.**—All the remaining portion of the County of Walsh not described in the district numbered 24, above designated.

**Delegates.**—John Almén, Grafton; Roger Allen, Grafton; James A. Douglas, Park River.

The delegates then arose to their feet and with uplifted hand took the oath of office, which was impressively administered by Hon. Frederick Rose, associate justice of the Territorial Supreme Court.

The convention then entered upon the election of a permanent president. The candidates had been previously agreed upon at a meeting of each of the principal parties. F. B. Fancher, for the republicans and Farmers' Alliance, and Hon. John L. Carlund, for the democrats, were nominated by their respective parties for the office of president. Fancher received 22 votes, and Carlund 10; Fancher being declared elected, and upon assuming his seat as permanent president, spoke as follows:

Gentlemen:—As a presiding officer I cannot promise very much. I am but here with a sword in my right hand, but I think I will endeavor to be one for the people. I will endeavor to carry out your wishes and to assist you in embodying in the constitution for North Dakota the spirit and substance of the whole people of North Dakota, and to make the interests of my constituents my own. If, after some experience, I shall succeed in meeting your approval, the end attained will have nothing to do in your action today. If I shall be so unfortunate as to fail, I do most solemnly assure you it shall not have been my fault, but my misfortune, for I will make every effort to succeed.

The subordinate officers were then elected, and then the proceedings in organizing the constitution were inaugurated by the unanimous adoption of a formal

resolution declaring the adoption by the convention of the Constitution of the United States.

The officers elected by the convention were as follows: J. G. Hamilton, of Grand Forks, chief clerk; Fred Palley, of Richland County, sergeant-at-arms; C. C. Bowsfield, of Dickey County, enrolling and engrossing clerk; E. W. Knight, of Cass County, messenger; George Wentz, of Burleigh County, doorkeeper; J. S. Weiser, of Barnes County, watchman; H. U. Tuttle, of Morton County, stenographer; Rev. George Klein, of Bismarck, chaplain; pages, Arthur Linn, Harry G. Ward, Charles W. Conroy and Charles Lauder.

The Committee on Rules then reported a series of rules, forty-five in number, which provided a parliamentary code in connection with Robert's Rules of Order, which had previously been adopted by the convention. The report provided for the following standing committees, twenty-three in number, namely: On Printing, Reporting and Publication, Accounts and Expenses, Preamble and Bill of Rights, Legislative Department, Executive Department, Judicial Department, Elective Franchise, Education, Public Institutions and Buildings, Public Debt and Public Works, Militia, County and Township Organization, Apportionment and Representation, Revenue and Taxation, Municipal Corporations, Corporations other than Municipal, Miscellaneous Subjects, Schedule, School and other Public Lands, Temperance, Revision and Adjustment, Impeachment and Removal from Office. The Committee on Apportionment consisted of one from each district.

Addresses followed by Governor Mellette, Judge Cooley, of Michigan, famous writer and authority on constitutional law, and Rev. R. C. Wiley, of the National Reform Association, urging Sabbath observance, for instruction in the principles of Christianity in the schools, and the declaration recognizing God in the constitution.

The governor and the judge were somewhat at variance in their views as to what should go into the constitution. The governor said there were two policies in constitution making—one to embody only fundamental principles in the constitution, leaving to the Legislature to work out the laws. The other, which was a later policy, to embody all legislation in the constitution which could be prudently placed there. He said if it was right and the delegates knew what was the right thing in legislation, the more there is of it in the constitution the better for the people. One of the greatest evils is excessive legislation, the change every two years of the laws. He said: "It is wise, in my judgment, after the people have decided in which direction their interests lie, to embody them in the fundamental law, and make it permanent." He also said: "If you can secure the purity of the ballot by constitutional provisions, it will not be obtained at too high a cost."

Judge Cooley, addressing himself in part to the subject of what to engraft in the constitution, said that "many new questions were now vital that were unknown a hundred years ago," and he advised the delegates to remember that times change, and the Legislature should not be prevented from meeting those evils which are sure to come. "Don't, in your constitution making, legislate too much. In your constitution you are tying the hands of the people. You have got to trust somebody in the future, and it is right and proper that each department of the government should be trusted to perform its legitimate function."

The members of the convention listened to addresses from United States Senator Stewart, of Nevada, chairman of the Senate Committee on Irrigation, on that subject, and from Senator Reagan, of Texas, on the same subject. Major Powell, director of the Geological Survey, spoke on irrigation, advising that no capitalists or corporations be permitted to secure possession of the state's waterways and water powers. The proposition of the single tax was urged by Mr. Buell, a Minneapolis reformer. Woman suffrage was also advocated by a speaker from Boston, Henry B. Blackwell, an able speaker. There appeared to be a greater interest taken by outside parties in the formation of the constitution



for the north state than in all other north states, which were engaged in similar work at the same time, but the situation south was not leading to the absence of constitutional reform; the constitution of the southern state having been made in 1885, and already adopted by a vote of the people, and could not be amended.

The fifth centennial anniversary of the discovery of America by Columbus was to be observed by the people of the United States in 1892, and a World's Columbian Exposition was proposed to be held. A number of the leading cities were candidates for the exposition, and the North Dakota movement declared in favor of Chicago.

The delegates were all supplied with copies of the constitution of South Dakota, which had already been adopted by the popular vote of that proposed state. There was no lack of material for the new state charter, for the constitutions of nearly all, and probably all, the states were represented. It would seem to be a larger task to decide what to reject, than to agree upon what to adopt. There was also a complete constitution presented by Henry A. Williams, of Burleigh County, the authorship of which was accredited by the press to the Hon. William M. Fverts, of New York, but which the distinguished advocate declined to acknowledge, averring that he had not written a line of it. The document proved to be a grouping of the best provisions of the constitutions of the various states and the United States, fitted to North Dakota. However, the delegates were not inclined to accept the work, though a portion of it probably found its way into the new constitution through the committees and through amendments.

While the people of the proposed new State of North Dakota were known to be in the front rank of progress in all matters of public concern, and even presumed to be somewhat radical in their views of governmental reform, the sentiment, or rather the prevailing sentiment in the convention, was not favorable to important experimental changes in well known or well tried principles of republican government.

On the 16th of July, the twelfth day of the session, Delegate Stevens, of Lisbon, introduced, by request, the following resolution:

Resolved, That the constitution provide that the legislative authority of this state shall vest in a single body, to be called a Legislative Assembly, which shall consist of not less than one hundred members, to be elected by the people; Provided, The Legislative Assembly may from time to time increase the number of members as necessity may require.

As may be expected, the resolution, because of its novelty principally, awakened considerable interest, and at first it was thought that the mover was not in earnest respecting the innovation proposed, there being no precedent for it among the states of the Union. But further along in the session it was discovered that quite a respectable number of delegates had discussed the proposition and felt like supporting it. The fact that the American states had not adopted it was not permitted to be heard the fact that a number of the most advanced European governments had but one legislative body, and the fact that American colonies during the Revolution were governed by one legislative body, and even the Continental Congress was composed of a single House of Representatives. A long and decidedly interesting discussion grew out of the subject. The affirmative side had a number of able advocates who brought in as precedents the legislative bodies, ancient and modern, of all European countries. Canada, the American colonial Congress during the War of the Revolution. In favor of the single house were Delegates M. N. Johnson, afterward a congressman and nearly successful candidate for the United States Senate; also Mr. John Turner and R. N. Stevens, W. S. Hunter, A. S. Parsons, and others. The democratic side presented the arguments for two houses in the person of Delegate John E. Carland. He directed attention to the historical facts of the failure of the one house plan in this country. It had been tried unsuccessfully. Pennsylvania had tried it, South Carolina, also, and others, and had thrown it out and substituted the two house plan. There was no check on really legislation in a

one-house system. Delegate Harvey Harris advocated the two-house plan. He stated that a plan that had been universally adopted by the other states proved that the two-house system was the safest and best. This discussion was had in committee of the whole, which recommended, in its report to the convention, that the resolution proposing a single house be indefinitely postponed, and the report was adopted by the convention, and the plan for two houses was passed.

The provision prohibiting the manufacture or keeping for sale of intoxicating liquor or disposing of it in barter or trade, was supported by a large majority of the delegates, but there was a disposition to divide on the proposition to make the clause a part of the constitution. It was apprehended that its submission in that form would be prejudicial to the success of the constitution when it came before the people to be voted upon, and it was finally agreed to submit the prohibitory clause as a separate article to a separate vote.

The location of the public institutions of the state occasioned a long and exciting debate. Nearly all these institutions had been already located by the territorial government, suitable buildings erected at the cost of hundreds of thousands of dollars, and their location was not seriously objectionable. This situation afforded a strong ground for the present locations to claim the protection of the constitution by an article fixing them in their present locality. Quite naturally this unusual, if not unprecedented, proposition was strongly opposed by a large proportion of the delegates, who held that the people should be given the right to say where their public institutions should be situated. They might prefer to have them all, or nearly all, in one locality, which would result in greatly lessening the expense of their maintenance. The subject had been referred to the Committee on Public Buildings and Grounds, and there had been but two resolutions on the question submitted and referred to the committee, one of which provided for the location of the temporary capital at Bismarck, and submitting to a vote of the people the question of locating a permanent capital. The committee made no report on this proposition, but about the thirtieth day of the session reported an article locating the capital, the Agricultural College, the State University, the Insane Hospital, the School of Mines, a deaf and dumb asylum, an institution for the feeble-minded, a blind asylum, a soldiers' home, a reform school for incorrigible youths, two normal schools, a school of forestry and scientific school and in industrial school. There was also a minority report which favored the temporary location of the capital at Bismarck and submitting the question of permanent location to the voters, and leaving the location of all the public institutions to the legislative assembly.

A number of the new institutions had not been previously located, but their locality was fixed for them whenever the state felt that they were demanded.

Mr. H. F. Miller, of Fargo, where the Agricultural College was located, moved the adoption of the majority report, whereupon Mr. David Bartlett, of Griggs County, offered as an amendment for the first section of the report, the following:

The following article shall be submitted to a vote of the people as a separate article, as provided by the schedule.

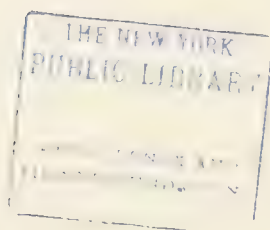
The effect of the amendment would be to throw the whole matter into the hands of the people, and in support of his amendment Mr. Bartlett said:

The unusual manner in which this question has been brought up was unexpected by me. I am well aware that I represent the opinion of the minority on this floor this afternoon, and as far as I am concerned I bow to the majority. However you may have obtained that majority, you have it. Now I ask in behalf of thirty members, and I think more; I ask in all fairness that you adopt this amendment I have offered, and that this matter be submitted separately, that the people may have, if they wish to locate these institutions, that they may have the right to do so. Refuse this amendment and you compel at least thirty members that sit in this convention today to refuse to sign your constitution—you compel at least thirty who have sat here from the 4th day of July until now, trying to do their duty, to go home and say to their people that they have been corruptly thwarted in their work, and ask their people to refuse to endorse it. I don't believe that this convention can afford to do this.

THE NEW YORK AND ASTORIA STEAMSHIP CO. SCHEDULES. THE NEW YORK AND ASTORIA STEAMSHIP CO. SCHEDULES.







Other species were made of the same fibre. M. S. Johnson and

Delegate Stevens, supporting the plan for the minority report, stated that it was much better to locate the public institutions before there was any chance for lobbying, to give the different parts of the state fair treatment. Baltimore, as the capital, would help in building the western portion of the state. The other institutions were located as they were, because the population of the state demanded it. The locations were all properly made, and were fixed upon to keep them out of the hands of the lobbyists.

Concerning woman suffrage, the convention adopted an article giving the Legislature authority to enact a law granting the right to women, provided that the law should be submitted to a vote of the people, and affirmed by the popular vote before going into effect.

There was considerable indignation manifested among the people because of the action taken in regard to locating the public institutions, and at a point called Portland, in Trill County, a *mob* organized as indignation meeting was held and forty-four delegates were burned in effigy. In other portions of the proposed state indignation meetings were held and similar resolutions adopted expressing deep-seated resentment.

As an offset to this expression the threat of the movement leading the institutions held a meeting at Largo which was largely attended, and passed resolutions approving of the plan. This was deemed a necessary precaution to head a movement that was threatening to reconsider the action by the convention, which seemed to be gaining strength.

The joint commission appointed to act on the committee from the South Dakota constitutional convention, which should have been a separate division of the property and indebtedness of the Territory of Dakota, was composed of E. W. Camp, W. C. Cornell, E. F. Smith, Hiram Harris, Mosley Griggs, J. W. Scott and Andrew Sandager to act for Northern Dakota. The results of the work of this commission, which were approved by both conventions, North and South, appear in a separate chapter. This joint commission was the only official body of the kind ever raised in the United States for the purpose of apportioning the assets and liabilities of a territory to its successors, the states. The procedure was interesting and consumed nearly three weeks time.

The final act of the convention was an amendment to the article on revenue, empowering the Legislature to provide the system of taxing the gross earnings of railroad corporations.

The convention adjourned finally on the 20th of August, after a session of forty-five days. At the election held October 1st, the people ratified the constitution by a vote of 27,441 to 8,107 against. The vote on prohibition was quite close, but the amendment carried by a vote of 18,552 to 17,303.

One thousand copies of the proceedings and debates of the convention were ordered printed.

The North Dakota constitutional convention of 1889 was made up of fifty republicans and twenty-six democrats.

#### NORTH DAKOTA REPUBLICAN STATE CONVENTION

The first republican state convention assembled at Fargo on the 21st of August, 1889, for the purpose of nominating candidates for the various state offices to be filled for the new state government. It was an occasion of widespread interest, and the city was thronged with delegates and visitors who wish to be present at the initial convention that was to name the first state officers, it being generally conceded that the republicans would be able to elect their ticket. The city was appropriately and profusely decorated, and although there was much enthusiasm abroad there was much anxiety among the leaders concerning the men to be selected as officers. The delegates were largely new in the political field, and those belonging to the Farmers' Alliance were not inclined to talk much of their designs. It was an occasion in politics that promised surprises.

While all the delegates were republicans, there were two factions—one composed largely of members of the Farmers' Alliance, and the other led by Harrison Allen, late United States marshal, who had been chairman of the republican central committee of the territory, and who at the time was the candidate for governor of the faction of the republican party that had been in control of North Dakota political affairs for years. Ex-Governor Ordway was identified with this faction. The alliance faction was led by John Miller, of Richland County, and their purpose was to name a ticket that would not be controlled by the former dominant faction. There were nearly three hundred delegates, and these were quite equally divided, and it was presumed that when it came to manipulating the convention after the members got together, the Allen side, because of their experience and acquaintance with parliamentary usage, would be able to make up for some trifling lack of numbers. But there was never a faction in any convention so uncompromising and so aggressive as the granger element in that convention assemblage. They were on the firing line for hours. The control of the convention and the nominations would go to the side that could elect the permanent chairman, hence the prolonged struggle for this position. The credentials committee had two contests to settle, important because of the uncertainty as to which faction would have the majority. The contested County of Cavalier was settled by the admission of both delegations with half a vote each and the report of this committee was finally adopted.

Mr. Cochrane had been appointed temporary chairman of the convention and Mr. H. F. Miller, of Fargo, was the chairman of the credentials committee. A motion to appoint a committee of five on permanent organization was then adopted and the committee appointed. Mr. Miller, of Fargo, then moved that in order to save time, E. A. Williams, of Bismarck, be chosen permanent chairman. The chair ruled the motion out of order. A motion to reconsider the vote for the appointment of the permanent organization committee, was then made and seconded, and a roll call ordered. This meant a test vote between the Allen and Miller factions. The motion was lost, the vote resulting 127 for reconsideration and 135 against, a defeat for the Allen or Tyler party.

(General Allen had in the meantime been withdrawn as a candidate for the nomination for governor, and E. S. Tyler, of Fargo, substituted.)

The chairman then appointed the committee of five, and it needed but a few minutes for them to agree upon a report which recommended for permanent chairman, Hon. M. N. Johnson.

A motion to substitute the name of E. A. Williams for that of Johnson was made, and a motion to lay this motion on the table was then made and seconded, and a roll call demanded, which resulted in 135 votes for the motion to table,



to 130 against. This was favorable to the Williams side, and the convention then voted by call of counties. Johnson and Williams leave the hallways.

As the call proceeded the excitement of the delegates increased, and the crowded gallery or lobby was the theatre of much unrest. Seven counties changed their votes after the first announcement and just before the third count was given out. The result was questioned and a ballot for verification asked for. Delegates by the score were on their feet and a scene of confusion prevailed. The verification, as the temporary chairman announced it, gave Williams 120 votes and Johnson 126. Then followed a tumultuous scene. The chair had not yet declared the result, and finally appointed Geo. B. Winship and G. S. Ball to foot up the totals. This being done, the haller again announced gave Johnson 131, and Williams 130. Johnson was then declared elected and escorted to the chair, where he expressed his appreciation of the honor, an honor which could not be duplicated, this being the first state convention held in the new North Dakota commonwealth. The speaker denounced the apparent hostility of the factions, and promised that in the further proceedings he should know no faction, but should be governed by the established rules, showing no partiality. He hoped the further deliberations of the convention would be marked by harmony, and that the delegates would meet to nominate a ticket that would command the esteem and confidence of the people of the north state, and one that would secure the united support of the party at the polls.

The chair occupied by Presiding Officer Johnson at the convention was the one in which General Grant sat when he received the surrender of General Lee, at Appomattox, in 1865.

The secretaries chosen at the temporary organization were selected. The convention, after some preliminary motions had been settled, proceeded with the principal work of the convention, the nomination of state officers with the following result: For governor, John Miller, of Richland County; for lieutenant governor, Alfred Dickey, of Stutsman County; for secretary of state, John Little; for state treasurer, L. E. Becker, for state auditor, John P. Bray; for superintendent public instruction, William Mitchell; for assistant superintendent public instruction, L. W. Cathrow; for attorney general, Geo. E. Goodwin; for commissioner of insurance, A. L. Carey; for commissioner of agriculture and labor, H. F. Helgesen; for public examiner, J. A. Persell; for commissioners of railroads, Geo. S. Montgomery, F. S. Underhill, D. Bartlett; for Supreme Court, for chief justice, Guy C. H. Corliss, Joseph M. Bartholomew, Alfred Wallin.

#### REPUBLICAN LEAGUE NORTH DAKOTA

A republican league convention was held at Fargo during the session of the state convention for the purpose of organizing a state league for North Dakota. Hon. F. A. Williams, of Burleigh County, was elected chairman and R. F. Wallace, of Stutsman, S. J. Small, of Cass, C. W. Andrews, of Pembina, A. J. O'Keefe, of Grand Forks, secretaries. The state league was organized by the election of the following officers: President, Mr. Schring, of Filly County; vice presidents, F. H. Reguter, of Burleigh; I. D. McDonald, of Pembina and G. H. Andrews, of Barnes County; treasurer, W. H. Ellis, of Dickey County; executive committee, Harvey Harris, of Burleigh County; F. W. Cathrow, of Bottineau County; A. H. Gray, of Barnes County; R. E. Spaulding, of Cass County; J. T. Scott, of Stark County; J. P. Gowan, of Barnes County; A. R. Owens, of Dickey County; Charles Abbot, of Sargent County; A. J. O'Keefe, of Grand Forks County; F. T. Smith, of Traill County; J. A. Rose, of Stutsman County; J. S. Harcourt, of Kidder County; A. Sandager, of Ransom County; C. W. Clark, of Cavalier County; G. W. Hansen, of Morton County, and F. B. Brown, of Pembina County.

The resolutions adopted, affirmed the league's endorsement of the principles of the republican party as expressed in the national platform, declaring their

purpose at all times to aid in strengthening the party in the State of North Dakota, and to electing the nominees of the republican party. Extolling the work done by the national league in the United States and by local leaguers in Dakota, and urging all members of the organization to use their best efforts to increase and extend the league, to unite factions, and to promote harmony.

#### NORTH DAKOTA DEMOCRATIC STATE CONVENTION

The North Dakota democratic convention for the purpose of nominating the first state ticket convened at Fargo on the 30th of August, Friday, 1880. The convention was called to order at 10 o'clock and the first matter that engaged the attention of the delegates and spectators was a rousing speech by Hon. Wm. A. Springer, member of Congress from Illinois, and proud of the title he had received of being "Father of the Omnibus Bill," under which the Dakotas were then making their way into the Union. At the conclusion of the speech which was enthusiastically received, a credentials committee was appointed by the temporary chairman, which reported all the counties represented, mostly by their elected delegates, and a few by proxies.

Mr. J. F. O'Brien was then elected permanent chairman, and W. A. Fridley, secretary. A Committee on Resolutions previously appointed, reported a platform, which endorsed the course of the late democratic administration and general policy of the democratic party, and which was adopted.

Caucusing was then engaged in for the purpose of agreeing upon the best state ticket obtainable, but great disappointment was felt at the positive refusal of some of the most available and strongest men to accept places on the ticket. Neither Lowell nor McCormack were willing to head the ticket, and the convention concluded to wait until evening before making its nominations. At the evening session the following ticket was nominated, a platform adopted, after which the convention adjourned.

For governor, R. N. Roach, of Walsh County; for lieutenant governor, S. K. Maginnis, of Stutsman County; for secretary of state, A. S. Froslied, of Terrell County; for auditor, R. O. Odegard, of Cass County; for attorney-general, T. R. Bangs, of Grand Forks County; for superintendent of public instruction, Chas. A. Kent, of Dickey County; for Supreme Court Judges, S. W. Miller, of Cass County; J. W. Gammons, of Ramsey County. The third was left for the executive committee to name. There were six of these to be elected but by agreement the democrats nominated three and the republicans three. For commissioner of agriculture, J. R. Engebret, of Foster County; for commissioner of insurance, W. A. Fridley, of Kidder County; for railroad commissioners, F. P. Wright, Peter Cameron and John Ely; for member of Congress, Dan W. Marratta.

#### ORDWAY AFTER A SENATORSHIP

Ex-Governor Ordway returned to the northern part of the territory in 1880 and announced that he would be a candidate for the United States Senate from North Dakota. It was surmised that Ordway had an understanding with prominent North Dakota interests at the time he was governor that gave him a claim upon their support for this position. He had been absent from the territory, residing at Washington, engaged principally in the real estate business since leaving Dakota in 1884, but he had left his household furniture and a horse and buggy and some other personal property, and a dwelling house, at Bismarck, as an evidence of his continuous residence. He first located at Bismarck on his return but soon thereafter purchased a farm in Walsh County, in the Red River Valley, and claimed his local residence in that county. He occupied his time during the year in electioneering for the senatorial position, and claimed that he had a combination by which ex-Governor Pierce and himself would be selected. This was, however, denied by those in a position to know the work that was being

done by the newspapers would probably have some influence in winning these representatives. There appeared to be a general feeling, however, among the poor people, for the majority were small, that had been cheating that Order's office should be given to actual residents, to violate their officially pronounced declaration by taking best advantage from the names of thousands of non-residents, actually a bona fide resident nor identified in any way with its material interests farther than the ownership of a piece of land or a house in town, both being regarded as profitable investments. The feeling opposed to Ordway was increased, if anything, during the progress of the canvass.

Governor Ordway was quite confident of success. He made this statement about October 20th, a few weeks before the election, to a friendly reporter for a St. Paul newspaper:

I regard the election for Governor Pierce as very good, and as being evidence of the members electing only those men whom they consider best qualified to represent one of the places, and that the election is a very honest and a very wise one. The general sentiment of the members elected will be that Governor Pierce and myself are the best equipped and will be the choice for senators.

The election occurred in North Dakota October 1st, and the candidates named by the republicans were chosen, to wit: Governor, John Miller; lieutenant governor, Alfred Dickey; secretary of state, John Flittie; state treasurer, L. E. Booker; state auditor, John P. Bray; superintendent public instruction, William Mitchell; assistant superintendent, F. W. Cathro; attorney-general, Geo. F. Goodwin; commissioner of insurance, A. L. Carey; commissioner of agriculture and labor, H. F. Helgesen; public examiner, J. A. Percival; Supreme Court judges, Guy C. H. Corliss, Joseph M. Bartholomew, Alfred Wallin; railroad commissioners, D. Bartlett, F. S. Underhill and Geo. S. Montgomery.

(By agreement the republicans nominated but three of the District Court judges, and the democrats three, both parties to elect the same judicial district and thus secure a non-partisan judiciary). The following were elected:

First Circuit, C. F. Templeton, democrat. Second Circuit, D. E. Morgan, republican. Third Circuit, W. B. McConnell, democrat. Fourth Circuit, W. S. Lauder, republican. Fifth Circuit, Roderick Rose, democrat. Sixth Circuit, W. H. Winchester, republican.

#### NORTH DAKOTA ELECTION RESULTS.

The official canvass of the vote for the state offices of North Dakota gave the following result:

For governor, John Miller, 25,868, R. S. Roche, 12,741. For lieutenant governor, Alfred Dickey, 25,779, S. K. Magnus, 12,410. For secretary of state, John Flittie, 25,620, A. S. Freshel, 12,413. For state treasurer, L. E. Booker, 25,707, Lord, 12,380. For state auditor, John P. Bray, 25,710, R. Odgers, 12,350. For attorney general, Geo. F. Goodwin, 25,888, J. H. Smith, 12,148. For superintendent public instruction, William Mitchell, 25,788, Chas. W. Root, 11,740. For commissioner agriculture and labor, H. F. Helgesen, 25,830, J. R. Engburg, 11,783. For commissioner of insurance, A. L. Carey, 26,133, W. A. Fridley, 11,388. Judges Supreme Court, Alfred Wallin, 27,225, Guy C. H. Corliss, 27,315, Joseph M. Bartholomew, 27,280, S. W. Miller, 11,520, J. W. Garrison, 11,440.

For the constitutions, 27,441. Against, 8,107.

For prohibition, 18,552. Against, 17,393.

For district judges, First District, A. J. O'Keefe, 4,050, C. F. Templeton, 6,713. Second District, D. E. Morgan, 2,001, J. A. O'Brien, 1,420. Third District, Seth Newman, 2,131, W. S. McConnell, 2,040. Fourth District, W. S. Lauder, 3,053, S. H. Underhill, 2,077. Fifth District, G. H. Hosan, 2,370, Roderick Rose, 3,300. Sixth District, W. H. Winchester, 2,310, John C. Hollibaugh, 1,000.



## PRESIDENT'S PROCLAMATION ADMITTING NORTH DAKOTA

Whereas, The Congress of the United States did by an act approved on the 22d day of February, 1889, provide that the inhabitants of the Territory of Dakota might, upon the conditions prescribed in said act, become the states of North and South Dakota. And, Whereas, it was provided by said act that the area comprising the Territory of Dakota should, for the purpose of the act, be divided on the line of the 7th standard parallel produced due west to the western boundary of said territory; and that the delegates elected as therein provided, to the constitutional convention in the districts north of said parallel, should assemble in convention at the time prescribed in the act, at the City of Bismarck; and,

Whereas, It was provided by said act that the delegates elected as aforesaid should, after they had met and organized, declare on behalf of the people of North Dakota that they adopt the Constitution of the United States, whereupon said convention should be authorized to form a constitution and state government for the proposed State of North Dakota. And, Whereas, it was provided by said act that the constitution so adopted should be republican in form and make no distinction in civil and political rights on account of race or color, except as to Indians not taxed, and not to be repugnant to the Constitution of the United States and the principles of the Declaration of Independence; and the convention should, by ordinance irrevocable without the consent of the United States and the people of said state, make certain provisions prescribed in said act; and,

Whereas, It was provided by said act that the constitutions of North and South Dakota should respectively incorporate an agreement to be reached in accordance with the provisions of this act, for an equitable division of all property belonging to the Territory of Dakota; the disposition of all public records; and also for an apportionment of the debts and liabilities of said territory, and that each of said states should obligate itself to pay its portion of said debts and liabilities, the same as if they had been created by each such states respectively; and,

Whereas, It was provided by said act that the constitution thus formed by the people of North Dakota should by the ordinance of the convention forming the same, be submitted to the people of North Dakota at an election to be held therein, on the first Tuesday in October, 1889, for the ratification or rejection, by the qualified voters of the proposed state, and that the returns of said election should be made to the secretary of the Territory of North Dakota, who, with the governor and chief justice thereof, or any two of them, should canvass the same; and if a majority of the legal votes cast should be for the constitution the governor should certify the result to the President of the United States, together with a statement of the votes cast thereon, and upon the separate articles or propositions, and ordinances; and,

Whereas, It has been certified to me by the governor of the Territory of Dakota that within the time prescribed by the said act of Congress, the constitution for the proposed State of North Dakota has been adopted and the same ratified by a majority of the qualified voters of said proposed state, in accordance with the conditions prescribed in said act; and,

Whereas, It is also certified to me by said governor that at the same time that the body of the same constitution was submitted to a vote of the people, a separate article numbered 20, and entitled "Prohibition," was also submitted and received a majority of all the votes cast for and against said article, as well as a majority of all the votes cast for and against the constitution, and was adopted; and,

Whereas, A duly authenticated copy of said constitution, articles, ordinances, and propositions, as required by said act, have been received by me; now,

Therefore, I, Benjamin Harrison, President of the United States of America, do, in accordance with the provisions of the act of Congress aforesaid, declare and proclaim the fact that the conditions imposed by Congress upon the State of North Dakota to entitle that state to admission to the Union, have been ratified and accepted, and that the admission of said state into the Union is now complete.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this second day of November, in the year of our Lord, 1889, and of the Independence of the United States of America, the 114th.

By the President,

BENJAMIN HARRISON.

JAMES G. BLAINE, Secretary of State.

## NORTH AND SOUTH DAKOTA TWIN STATES

There was some discussion in the new states whether North Dakota or South Dakota was first—which would be entitled to preference as the thirty-ninth state. This honor finally went to North Dakota in giving the states their place in the calendar at Washington, but in the various steps immediately preceding statehood South Dakota could make a valid claim as the elder sister. She was the first to elect senators and hence the first to hold a State Legislature, and the

state officers of South Dakota were inaugurated on Sunday, November 3d, the day that the President's proclamation admitting both states was issued, 4100; the state officers of North Dakota were inaugurated on Monday, November 4th, two days later. The state government of South Dakota, therefore, must have been in lawful operation two days earlier than that of her younger sister, which would seem to entitle her to the claim of being the first to mount the throne of state sovereignty.

The territorial officers were all relieved, with the exception of Treasurer Bailey, on the 4th. The North Dakota state officials were sworn in or took their official oath from Judge Bartholomew. Treasurer Bailey of the territorial force was prepared to transfer his office, but the removal of State Treasurer Booker, of North Dakota, compelled a brief postponement. The President's proclamation, or the statement of Secretary of State Blaine informs us that the two states came in at the same moment of time. That is the best evidence. It was claimed that the President did not know which proclamation he signed first. The statement of the secretary of state of the United States follows:

It will be asked which of the states of North and South Dakota is the elder or senior. President Harrison signed the proclamations which admitted the two states into the Union on the afternoon of November 2, 1889, and this is the remark he made at the time: "They were born together, they were one and I will make them twins."

Hon. James G. Blaine was the secretary of state at the time, and one of his duties was to attest the proclamation of the President. Here is a copy of a telegraphic dispatch which Mr. Blaine sent to Governor Miller, of North Dakota, and to Governor Mellette, of South Dakota, who had been elected the first governors. The dispatch was sent within an hour after the states were admitted.

Washington, D. C., November 2, 1889.

The last act in the admission of the two Dakota states into the Union was completed this afternoon at the executive mansion, at 2 o'clock and forty minutes by the President signing at that moment the proclamation returned by law to the governors of the two states. The article on prohibition, submitted separately in each state, was adopted in both. The article providing for minority representation in South Dakota was rejected by the people. This is the first instance in the history of the National Government of two states, North and South Dakota entered into the Union at the same time.

JAMES G. BLAINE.

#### ORGANIZING NORTH DAKOTA STATE GOVERNMENT AND ELECTING SENATORS

In response to summons by Governor Mellette, the state officers and judge of the Supreme Court of North Dakota assembled at Bismarck on Monday, November 4th, took the oath of office administered by Associate Justice Rodneyk Rose, and the new ship of state, to be known for all time as "North Dakota," was formally launched. At the same time the governor issued a call to the members of the Legislature of North Dakota to assemble at the capital at Bismarck on the 10th of November for the purpose of electing two senators of the United States.

Gilbert A. Pierce, ex-governor Dakota Territory, was elected one of the United States senators from North Dakota, November 21, 1889. He received the unanimous republican vote. The vote for the second senator was considerably divided, as follows:

	Senators	House	Total
Johnson	11	28	39
Ordway	10	16	26
Cassidy	4	11	15
Walsh	4	10	14
McCumber	3	9	12
Plummer	2	6	8
Rudloe	2	6	8
Martatta (dem.)	2	6	8
LaMare	1	4	5
Miller	1	4	5

Necessary to a choice, 62

Hon. Gilbert A. Pierce, who was unanimously chosen one of the United States senators from North Dakota, was born in Cattaraugus County, New York, in 1836 but the family moved to Indiana when he was sixteen years old. He had shown a preference for a legal education and for a time attended the Chicago Law School. Upon the breaking out of the great Civil war he enlisted in the Ninth Indiana Regiment. He won rapid promotion in the volunteer service, and at the close of the conflict he was colonel of his regiment. Returning to Valparaiso, Indiana, he entered journalism, continuing until 1868, when he was elected to the Indiana Legislature. From thence he went to Chicago and for twelve years following was connected with the Chicago Inter-Ocean and the Chicago News. He was appointed governor of Dakota in 1884 by President Arthur, which position he held until 1887 when he was succeeded by a democrat, Judge Louis K. Church. He endeared himself to the people of the northern section by his veto of the bill removing the capital to Pierre on the ground that the Legislature had virtually repealed the section of the organic act by the contract which the capital commission had made with Bismarck and the North Pacific Railroad.

A joint caucus was held on the 23d, which met in the forenoon and broke up in confusion. A vote was taken, but before being announced, a motion was made to adjourn. This was opposed by the Johnson men, whose count showed that he had received forty-two votes, one more than was necessary for the choice of the caucus. The chair ruled the motion to adjourn out of order, but before the caucus could act on the ruling, the caucus had adjourned without the necessary formality of the announcement of the vote. The Johnson men were much excited and highly indignant. The two Houses then went into joint session to take a formal ballot, which resulted as follows:

Johnson, 42; Ordway, 10; Casey, 10; Walsh, 9; McCumber, 4; LaMoure, 4; Plummer, 11; Marratta, democrat, 13. Forty-seven votes were necessary to elect. Johnson was said to have sufficient votes lacking one. A recess was taken till evening.

On the following day four ballots were taken without result.

Concerning this caucus it was said that the leaders of the anti-Johnson forces, which included all who were not for Johnson, spent the whole night preceding trying to come to an understanding, but none of the candidates would consent to be eliminated. There were claims made of great strength for Casey, but there was no evidence that he had been selected as the "field" candidate. No one appeared to be trying to promote Ordway. He had the same few who had probably been pledged to him since he signed the bill for the removal of the capital, but even these appeared desirous only to show the ex-governor that they had not thrown him over. They numbered nine or ten, and not knowing who to go to, remained perfunctorily for him. Walsh remained an active candidate, and Casey appeared to be popular. Ordway's contingent made an early claim that he had been cruelly betrayed, which was intended to give him more consolation than he would derive from feeling that he never had any standing as a candidate, but he was soon put aside as not to be considered in the race. Harrison Allen was supposed to have inherited Ordway's strength, as it was boastingly called, but he was another who was not wanted. There was a show for Walsh, and a better show for Johnson. When the Legislature met in joint session on the 23d, Johnson had 38 votes secure, and as the roll was called it was discerned that he was making a slight gain. Almost every member was keeping tally. Before the vote was announced the leaders of the anti-Johnson disunited forces demanded a verification of the same. This necessitated another roll call. When that was done the point of order was made that two members had changed their votes. While in the midst of this discussion some made a motion to adjourn till evening which was carried by two votes, and Johnson's promise of victory passed under a shadow from which it never emerged. The vote for senator taken as above was not announced, but Johnson had forty-one as



shown by a number of the voters of this territory, and it is possible that previous to an adjournment, there is so little time left that it will happen.

The meeting in the evening failed to elect, but it remained in session an hour, and defeated a meeting of the opposition, coming for a later hour the same evening. It also developed a surprise in the two ballots taken. The first ballot resulted, Johnson, 20; Casey, 13; Wallis, 5; Ordway, 9; General Allen, 3; La-Moure, 4; McCumber, 3, and Marratta, 13. The second ballot resulted about the same. Before the third ballot was called, however, of Hannum, placed in nomination President Sprague, of the Grand Forks University. The nomination was seconded by Frank Cook of Grand Forks, President of Devils Lake, nominated H. W. Lord, of Devil's Lake. When Senator Robinson's name was reached he rose and explained his vote. He said he had been addressed that afternoon by a trusted lieutenant of Mr. Johnson in a manner that put him on his mettle. He was told that he dare not vote for any other man than Johnson, and he wanted to say in reply that he was a free American citizen, and that he would vote as he pleased. Therefore he took great pleasure in casting the first vote for Homer B. Sprague. This brief statement awakened a sensation, and called forth murmurs of "Johnson beaten. He is gone." Senator Smith, who had been included with by Robinson in the list of men who dared not vote against Johnson, at a sign of his associates, also voted for Sprague. Smith's colleague, Ramsey, of the House, followed him. Among the others voting for Sprague were Worst of Empire, Thompson of Walsh, President of Grand Forks, and Thompson of Fargo. Sprague received nine votes. It was only a complimentary vote, however. Sprague was not regarded as a candidate. The result of this ballot gave Johnson but thirty-two votes, a loss of ten. Lord received four, General Allen six on one ballot, and Ordway five on the second ballot. It was said that Johnson's grip had been loosened, and the matter then adjourned until Monday noon. Monday four ballots were taken during the day session without result, but at the session held the same evening L. R. Casey, of Jamestown, was successful.

Capt. Daniel Maratta, ex-United States marshal of Dakota Territory, and Col. M. C. McCormack, ex-territorial secretary, and both steamboat celebrities and able men, were nominated by the democratic legislative caucus of North Dakota for the position of United States senator.

While ex-Governor Ordway was supposed to be making great haste to reach Bismarck and mount the forum and make reply to State Sen. Judson La-Moure's charges, he was in reality making tracks in the other direction. He had discovered that the health of his wife required a visit to the Michigan spring, and like a dutiful husband he had to pull out and hurried him toward the healing waters.

L. R. Casey, of Jamestown, was elected United States senator from North Dakota on the 26th of November. There had been several days consumed and a number of ballots taken for the second senator before a decision was reached. Ordway, who appears to have made a number of the Red River Valley or Walsh County, made a determined effort to win the place, but his highest vote was twelve, which finally dwindled to five. He made a very speech in the night, and brought into the contest all his personal magnetism and knowledge of political intrigues, but was easily checkmated by the honest, straightforward and unselfishness of the Legislature. This was Mr. Casey's first political office, and his last position in any office, except that he had held the office of county commissioner of Foster County, Dakota Territory, in 1880. He was then a resident of the same. He was born in the Town of York, Livingston County, New York, in 1837. When quite young his parents removed to Sparta, Michigan, where he prepared for Ann Arbor University, but did not enter. He was later in the hardware business in Toledo, Ohio, seven years, as a member of the firm of Lefft, Kellogg & Casey. After returning he went to Chicago and studied and traveled for five years. He became a student of foreign affairs and an accomplished linguist. He served

at Carrington, Foster County, Dakota Territory, in 1882, where he opened a 5,000 acre farm. At the time of his election he was secretary of the Casey-Carrington Land Company, which owned over one hundred thousand acres in the James River Valley, with a capital of \$500,000. His residence was at Jamestown. He was a member of the Farmers' Alliance at that time, and after a strong influence in the politics of both states, and that organization claimed the credit of his election.

#### DRAWING FOR SENATORIAL TERMS AND NUMBER OF STATE

A Washington letter writer described the proceedings attending the precedence accorded the new states of North and South Dakota and Washington, and also the system by which the terms of senators are fixed in the case of new states.

It is a game of chance, a sort of lottery, and in the instance mentioned was pronounced of greater proportions than had ever been witnessed in the Senate in the history of that body. It occurred on Tuesday, December 3, when six senators from three new states drew for order of admission into the Union, and for terms, under a complicated resolution introduced by Senator Hoar, which he said was in conformity with the resolution of May, 1879, and the Constitution.

Senators Pierce and Casey of North Dakota, were sworn in just as soon as possible after the chaplain's prayer. Senator Cullom, of Illinois, presented Mr. Pierce's credentials from North Dakota, and escorted him to Vice President Morton's desk, and Senator Washburn performed the same courtesy for Mr. Casey, also of North Dakota. It took but one minute to repeat the oath, and then the vice president turned to one side of his desk and gave a hand to each of the senators. Senator Cullom then presented a memorial from North Dakota endorsing Senator Pierce for the long term. Senator Sherman smiled when it was read; Senator Hoar hinted that the Legislature had nothing to say about that. Senator Gorman agreed with him and cited a similar instance when Minnesota's first senators came in, where the legislative endorsement did not count. Senator Call, of Florida, argued the other way, holding that the Legislature was entitled to choose on such matters. The matter was settled by action, which called for drawing in the old way without regard to the North Dakota Legislature.

The draw was first for order of precedence by states, and Senators Allen of Washington, Casey of North Dakota, and Moody of South Dakota, for the three states, drew slips of paper from a ballot box. Allen got number one, so Washington became the thirty-ninth state. Moody got number two, giving South Dakota fortieth place, and Casey's draw gave North Dakota forty-first place. Montana, which would be ready in a short time, would take forty-second place and be the youngest state in the Union in the year of our Lord 1890. Washington was accordingly the first state to settle on the length of senatorial terms, and there were slips of paper representing a two and a four-year term, placed in the box. Allen drew first and got the four-year term, leaving Squire to take the two-year slip. South Dakota came next with a chance at a two, a four and a six-year term. Pettigrew always had good luck in a draw. "I'll bet on him for the six-year term," said a South Dakota voice in the gallery. He would have won his wager, for Pettigrew drew the six-year slip. Judge Moody got number three, which entitled him to a two-year's term only. North Dakota also had a chance at the three classes, but neither of the senators drew the six-year slip. Casey got a four-year term and Pierce a two-year term.

With this distribution it left Montana a chance for a six-year term whenever their senators applied for their installation. When this occurred, Thomas C. Powers, a pioneer Dakotan, drew the six-year term.

Those persons who were favored with observing the classification of the senators from North and South Dakota at Washington, were reminded that they had witnessed a ceremony not permitted to any persons who had lived since the year 1789, a century before. Not since May 15th of that year have more than two senators from new states been sworn in and classified on one occasion. There were some present who descanted upon what might be transpiring in the same chamber when another century had intervened. Montana does not appear in the list, not having organized its Legislature, being delayed by a number of legislative contests.

#### WAS DAKOTA'S ORGANIZATION AS A TERRITORY PREMATURE?

Viewed in the light of public demand, the treaty of cession from the Yanktons in 1858-59, and the organization of Dakota Territory in 1861 could have been

deferred a few years longer with advantage. This was on thousands of good land at the time, and yet little immigration. One half of Iowa would not comparatively unoccupied waste, waiting with the growth of its native herds, and the same could be said of Minnesota and all sorts of Indiana, and as much of Kansas. Colorado was on the eve of securing an organization as a territory. The first settlement at Santa Fe and Albuquerque, however, and the permanent occupation deferred until near 1870 by Indian troubles, and we do not discover that anything of value in the subsequent development of that section was lost by the delay. The Missouri slope was yielding its annual harvest of robes and furs, and would have been harvested and gained valuable advantages had its occupation by the whites been delayed until the vacant routes of travel laid out and improved. Had the organization of Dakota come a few years later, there would probably have been two territorial organizations instead of one. Minnesota and the Northern Pacific Railroad influence would have demanded one to include the territory west of the Red River, and Iowa could have secured one for the country south. It would unquestionably have resulted more to the advantage of the people of the two territories had division come about in that way.

All things considered, one is prone to think that partisanship and the real estate craze which prevailed at the time, had more to do with bringing about the early opening of Dakota to settlement than the needs of the people.

We have an impression, one that has occasionally attended itself upon our mind during the progress of this work, that there will appear to it some ground for claiming that it has a political partisan bias. If such should prove to be the case, its author ought not to be held responsible, for he has sought to dispossess his mind of every particle of prejudice in performing his task.

The reader will not fail to understand that the Territory of Dakota came into organized existence at the most critical period of our career as a nation; that owing to its close political relations with the parent government, it undoubtedly was to a great extent influenced in its political career by the party which for twenty-four years of our territorial government, controlled, without notable interruption, the national government. That a very large proportion of the hundreds of thousands who immigrated to its fertile lands had imbibed a predilection for the principles of the republican party, before coming hither, and in the case of many from over the sea, even before their departure from the fatherland. And finally, that no government could have surpassed our own, during our period of territorial wardship, in its wise and timely regard, as a rule, for the welfare and the educational and material interests of Dakota's people. In the enjoyment of these splendid and substantial advantages, the citizens of all parties enjoyed an equal chance, and the reward of their efforts and industry has been subject to no political or party bias, so that in closing the account of Dakota's long territorial vassalage and career, we have thrust and find fortune's favors have not been directed by any political organization; but as is generally the case, probity, talent, education, industry, intelligent enterprise have been rewarded, and mark the path Dakota's successful sons have trodden. They had a goal in sight, and they climbed toward it, overcoming by their professional and business integrity, their faith and persistence, the ordinary distractions and difficulties that beset the commendable struggles of men and womanhood, everywhere, political or party bias presenting no obstruction.





## INDEX

[illegible]

- Black Hills—continued
- Importance of Treaty..... 973
  - Indians Removed to Indian Territory. 954
  - Jenney's Scientific Expedition to..... 903
  - Jenney's Official Report on..... 909
  - Known to be Gold Bearing..... 861
  - Legal Contest for County Offices..... 980
  - Legislation for .....1022
  - Military Prohibits Exploration of..... 864
  - Militia Under Arms..... 978
  - Old Settlers .....1585
  - Opening of ..... 969
  - Peace Policy Greatly Strengthened... 972
  - Peace Policy ..... 983
  - Pearson of Yankton One of First to Arrive ..... 929
  - Precious Metal .....1506
  - Prehistoric Mining ..... 982
  - President Grant Talks on Opening of.. 897
  - Professor Hayden's Report on..... 866
  - Public Meeting at Yankton to Discuss Purchase of ..... 895
  - First Railroad ..... 983
  - Report of Treaty Commission..... 969
  - Rush to ..... 929
  - Salt Springs .....1138
  - Separate Territory for ..... 975
  - Sheriff Seth Bullock..... 977
  - Sioux City Expedition to..... 893
  - Sioux Indians Visit Washington..... 896
  - Some Early Sioux History ..... 972
  - Special Election ..... 979
  - Spotted Tail Heads a Delegation..... 955
  - Spotted Tail Talks to Secretary Delano 900
  - Tin .....1507
  - Treaty Commissioners in Danger..... 916
  - The Treaty ..... 947
  - Yankton Sends Out Explorers to..... 911
  - Blind Cared for in 1875..... 854
  - Care of .....1297
  - Bliss, Philemon, Chief Justice, 1861.... 315
  - Seeks Congress ..... 368
  - Blizzard and Flood of 1880 and 1881.... 1151, 1163
  - 1860-61, Fiske a Victim..... 150
  - January, 1860 ..... 443
  - Fatalities ..... 554
  - Of 1881, Range Cattle Perish..... 1150
  - Of 1888 .....1512
  - Board of Pharmacy .....1505
  - Bolters' Convention, 1874..... 993
  - Bond Bill, First ..... 844
  - Bon Homme, Old Fort on Bon Homme Island ..... 17
  - Measurements by Lewis & Clark..... 17
  - Map of Old Fort..... 17
  - Earliest Settlement ..... 121
  - Shober's Minnesota Colony, 1858..... 122
  - Political Convention, 1861..... 124
  - Town Site Z. Renconter ..... 124
  - Booge, Charles P., Adjutant General.... 235
  - Boundary Line, International ..... 85
  - Survey of ..... 588
  - Southern Boundary of Territory.....1002
  - Bountiful Harvests of 1887.....1496
  - Boyle, John W., Receiver of Land Office. 435
  - Boyton, Captain Paul, Makes a Voyage.1200
  - Bradford, Emma, First School Teacher... 122
  - Bramble, Downer T., Pioneer, 1859..... 146
  - Bramble, Miner & Co., Black Hill Freighters .....1139
  - Brave Bear Kills a White Man.....1204
  - Brisbine, T. W. .... 463
  - Broatch, Capt. William, Agent at Yankton ..... 524
  - Brockman's Farmer Statement.....1044
  - Brookings, Wilnot Wood ..... 99
  - Chosen Governor at Sioux Falls..... 104
  - Superintendent of Wagon Road..... 405
  - Republican Candidate for Congress... 439
  - Appointed Associate Justice..... 523
  - Promotes Railroad Matters..... 598
  - Republican Candidate for Congress... 1226, 1663
  - Brookings and Moody Campaign, 1872... 661
  - Brother-To-All Speaks on Visit to Carlisle .....1127
  - Brown, George, Tells why Buffalo are Scarce ..... 500
  - Brule Creek Massacre ..... 417
  - Frauds ..... 417
  - Brughier, Theophile, Pioneer..... 135
  - Buckman, Joseph Y., Representative Red River ..... 93
  - Buffalo Diminishing ..... 500
  - Still Plentiful in 1882.....1228
  - The Extermination of.....1497
  - Bullock, Sheriff Seth, Black Hills..... 977
  - Burbank, John A., Appointed Governor. 523
  - Message to Legislature, 1872..... 677
  - Burleigh, W. A., Appointed Indian Agent 192
  - Indian Goods on Sunken Steamboat... 194
  - Report to Governor..... 307
  - In Politics, 1864..... 368
  - Nominated for Congress..... 372
  - Elected to Congress..... 378
  - Sustains President Johnson..... 435
  - Elected Second Term ..... 439
  - Candidate for Congress..... 497
  - Delegate Speech in Congress..... 511
  - Speech on Indian Affairs..... 513
  - Candidate for Congress..... 547
  - Railroad Advocate and Director..... 601
  - Nominated for Congress, 1874..... 992
  - Nominated for Congress at Third Convention but Declines..... 994
  - Caldwell, E. W., Interviews Governor Ordway .....1177
  - Calhoun, John C., Secretary of War.... 56
  - Campbell, Judge H. J., His Efforts and Rewards .....1795
  - Campaign of 1881-2..... 1217
  - Of 1884 .....1353
  - Canton Founded ..... 487
  - Capital Commission .....1469
  - Bill Passes .....1303
  - In Court .....1321
  - Court Judgment on .....1322
  - Capital of Territory Prior to Legislative Action ..... 178
  - Located by Law at Yankton..... 206
  - Building First Erected..... 255
  - Capital, Removal of .....1300
  - Removal Agitated by Governor Ordway .....1174
  - Removal Agitation of 1880.....1142
  - Bill to Remove Capital to Pierre.....1396
  - Removal Press Comments.....1305
  - Removal, Yankton Sentinel.....1314
  - Captive Women Ransomed from Indians, 1862 ..... 252



Atter and Larabee Counties	10
Carl Johnson	10
Catholic Church, Organized	10
Growth of	10
Catlin George Indian Post	11
Cavalry, Dakota, Company A in Indian Fight	11
Mustered Out	11
Cement Plant at Yankton	11
Census of 1880	11
Decennial	11
Of 1880	11
Of 1870	11
Of 1882	11
Of 1884	11
Yankton, 1870	11
Of Territory, 1880	11
Of Territory, 1861	11
Of Territory, 1870	11
Semi-decennial	11
Centennial Anniversary of Adoption of the U. S. Constitution	1501
Exposition of U. S.	1501
Exposition, Preparing for, in 1872	673
Year, U. S.	10
Chamberlain City Located	10
Charles Mix County, Early Days	153
Chippewa Indian, Friendly Red River	8
Choteau Family, Fur Traders	10
Church, Louis K., Appointed Judge	1405
Appointed Governor	1458, 1467
Opposes Division of Territory	1474
Message to the Legislature	1474
Impediment of	1471
Clay County Population Increases Great- ly in 1877-8	1061
Cleveland, Grover, President	1403
And Dakota Committee	1778
Indian Recommendations	1432
Cole County Early Settlers	157
Indian War, 1862	157
Collins, E. C., Assessor Internal Revenue	435
Company A, Dakota Cavalry, Mustered In	101
Dakota Militia	236
Company B, Dakota Cavalry, Mustered In	101
Congregational Church, the First	478
Congress, Fiftieth	1857
Implores Divine Favor	319
Johnson Schism	400
Republicans	400
Delegate Election	401
Democrats Sustain Johnson	435
Congressional Reconstruction Policy	488
Constitution, First, Adopted in 1883	1716
First, Before Congress	1719
Constitutional Convention, First, 1883	1716
First, Adjourns	1716
First, Delegates to	1669
First, Organization of	1672
First, Proceedings and Debates in	1673
First, Report of Committee on Judi- ciary	1673
First, Argument for Statehood	1696
Second, Bill Adopted	1727
Second, Memorial Asking for	1727
Second, Organization of	1733
Second, Proceedings and Debates of	1733
Second, Adjourns	1744

- Crow Creek continued  
 Fourth of July Celebration, 1880... 1128  
 Trouble in Reservation... 1425  
 Crow Dog Kills Chief Spotted Tail... 1192  
 Trial of... 1193  
 Appeals... 1195  
 Custer's Expedition to Black Hills... 877, 882  
 Reports on Black Hills... 885, 890  
 Custer City Founded... 907  
 Custer's Last Battle Sitting Bull's  
 Army... 938  
 Terry's Expedition to Little Big Horn... 938  
 U. S. Forces... 940  
 The Last March... 940  
 The Massacre... 940  
 Terry's Official Report... 942  
 Wounded Conveyed to Fort Lincoln... 944  
 Public Demands Extermination of  
 Sioux... 945  
 Sitting Bull's Retreat... 946  
 Battle of Slim Buttes... 957  
 Gen. Miles Pursues Sitting Bull... 958  
 Reno Court of Inquiry... 961, 964  
 Reno Exonerated... 964  
 Sitting Bull's Influence... 964  
 Sitting Bull's Story of... 965  
 Gall's Story of... 967
- Dakota or Sioux Indian Nation... 14  
 Names of Tribes... 14  
 Genealogy... 158  
 Indian Nation... 156  
 Dakota Territory—Land Company... 99  
 Before Congress... 105  
 Large Part of Minnesota... 162  
 A Sanitarium... 165  
 Why so Named... 173  
 Nearly Depopulated... 241  
 War Equipment... 480  
 Bar Organized... 447  
 Progress... 533  
 Development for Ten Years... 534  
 Dakota Bar Association... 1437  
 Bills in Congress, 1888... 1511  
 In Congress... 1567  
 In Congress of 1887... 1473  
 Gifford's, Hon. O. S.—Review of Condi-  
 tions in 1888... 1831  
 At Home... 1783  
 In 1873... 718  
 Pioneer Wheat Farm... 1616  
 Tribute to... 1331  
 Dakota's Growth... 1325  
 Progress in 1886... 1451  
 Dalrymple Wheat Farm, A... 1139  
 Daugherty, John, Pioneer Freighter... 1140  
 Deadwood Visited by Destructive Fire...  
 1101, 1104  
 Visited by Governor Howard... 1104  
 Deaf and Dumb Institution at Sioux  
 Falls... 1142  
 Delegate to Congress; Rights of a Dele-  
 gate... 586  
 Delegates to Congress on Committees,  
 1872... 673  
 Dakota Delegation Visits Washington... 898  
 Democrats and Anti-Monopolists... 990  
 Deuel County's First Vote... 676  
 Dewitt, F. J., Pioneer, Sioux Falls... 195  
 Trader at Crow Creek Agency... 301  
 Deven's Post... 46  
 Dirt Lodges, Sioux Indian... 306
- Disaul, Emanuel, Pioneer Trader... 121  
 Distance from St. Louis to Fort Pierre  
 1283 Miles—Lewis & Clark... 45  
 Steamboat Measure, 1528 Miles... 64  
 District Attorney, Office of, Created... 1072  
 District Court, First Term Held at Ver-  
 million, 1861-2...  
 First Term Held at Yankton... 315  
 First Court at Pembina... 584  
 Decision Regarding Treaty, 1868... 1004  
 Divorce Bills Vetoed by Governor... 428  
 Dollard, Cobb, Bon Homme History... 121  
 Dougherty, Lieut. W. E., Takes Forceable  
 Possession of Crow Creek Agency... 1142  
 Drifting Goose... 99  
 Becomes Troublesome... 1057  
 Obstructs Settlement of James River  
 Valley, 1878... 1054
- Earliest Settlers... 80  
 Early Fur Traders... 41  
 Edgerton, A. G., Colonel, with Sibley... 277  
 Judge Alonzo J... 1919  
 Alonzo J., Appointed Chief Justice... 1183  
 Alonzo J., Letter to Senator M. C. But-  
 ler... 1827  
 Edmunds, Newton, Appointed Governor,  
 1863... 311  
 Governor's First Message... 323  
 Military Order from, 1864... 365  
 Second Message to Legislature... 381  
 Criticises Indian War Policy... 425  
 Edmunds, Senator, on the Duty of Terri-  
 tories... 1830  
 Education, Report of Superintendent... 456  
 Educational Institutions... 1372  
 Statistics of 1887... 1829  
 Education—Common School Report of  
 Territorial Superintendent... 456, 473  
 Common Schools of 1884... 1336  
 Indian Schools... 1476  
 University of Dakota... 1341  
 Congress Asked for Land for Agricul-  
 tural College... 1298  
 Election in 1889, Called by Governor... 1887  
 Of 1888, Celebration... 1542  
 Of North Dakota, 1889... 1933  
 Of North Dakota Senators... 1935  
 Of 1885 Under Constitution... 1745  
 Of 1872... 669  
 Of 1878... 1071  
 Of 1880... 1137  
 Of 1882... 1226  
 Of 1885 for Senators... 1762  
 Of 1886... 1449  
 Of 1888, Presidential... 1831  
 Of 1889... 1911  
 Electoral College of 1888... 1544  
 Elk Point, Occupied, 1859... 136  
 And Cole County... 151  
 Ellis, Corporal Joe, Kills Indian... 113  
 Evangelists at Big Stone... 1374  
 Exemptive Law Amended... 426  
 Exemptions, 1874... 836  
 Exemption Law, Unsuccessful Attempt to  
 Repeal, 1879... 1096
- Farmer's Alliance... 1501-1538  
 Two Dakotas; Farewell Meeting... 1880  
 Faulk, A. J., Appointed Governor... 435  
 Governor's First Message... 452  
 Second Annual Message... 466

Federal Officers, The First	181	Gafford, James A. District Attorney	1165
Section of Prison	1441	James A. Association	1185
Fiftieth Wisconsin Infantry	415	Geology of Dakota, Nebraska and Hayden	69
Financial Condition in 1871	119	Grand Canyon S.	1100
Firmen's Territorial	1180	Gilpin, Charles C. Trader	46
First White Settlements: Bonanza 1844		George W. C. U. S. Attorney	117
Sioux Falls 1846, Yankton 1850		Grand Army of the Republic	100
Bon Homme 1878, Vermillion 1888		Grant and Greeley	601
Big Sioux Point 1889, Elk Point 1879	80	Grant U. S. President	101
First White Woman in Territory, Mrs. John Goodwin, Sioux Falls	100	At Fargo	1327
Fiske, George D., First Trader at Yankton	119	Death of	1315
First Blizzard Victim	150	Grasshoppers 1874	842
Flood Waters in the Spring of 1866	446	at Vermillion Settlement 1863	149
Floods in 1878	1008	Investigation by Government Sen-	
Of 1881	1151	ators	145
Flour Mills in 1872	671	Fires	146
Fort Abercrombie	87	Prevalence of 1876	1012
Abraham Lincoln	580-695	Convention at Omaha	1012
Bennett Built, 1872	678-682	Governor Pennington's Address	1012
Benton	576-46	Proclamation by Governor	1028
Berthold	46	Day of Fasting Observed	1008
Campbell	46	Abundant Harvest Followed	1029
Dakota Built	417	Gray, Josiah, in Indian Skirmish	112
Dodge Relief Convention	847	Great Seal of Territory	268
Garry	8	Great Sioux Reservation—Black Hills	
George	43	Convention; Demands Opening	1240
James Built	415	Celebration on Passage of Treaty Bill	1258
Keogh Built 1878, General Miles in Command	1076	Indian Affairs Committee Makes Report	1238
La Fromboise	67	Congress Does Not Ratify Treaty	1246
Lookout	70	Council Considers Treaty Held by In-	
Meads Mentioned	414	dians	1200
Pierre, Choteau Built	45	Crook Commission Appointed	1267
Pierre Bought by the Government	63	Dawes Bill Defeated	1205
Pierre Abandoned 1858	67	Edmund's Commission Makes Report	1243
Pierre Investigated	1205	Early Agitation for Opening	1233
Pierre and Pierre Village	1206	Evacuation of Bad Lands and Great American Desert	1249
Randall, Named for Colonel Daniel Randall	65	Gifford's Amendment to Treaty Bill	1206
Randall, Establishel in 1855-56	65	Gifford Bill Passes	1257
Randall in 1872	657	Investigating Committee Appointed by Senate	1249
Randall in 1861	657	Investigating Committee Reports	1250
Snelling	84-87	Jones Bill Introduced	1256
Tetonick	44	Location of Separate Reservation	1241
Thompson Crow Creek	300	National Indian Defense Association Opposes Dawes Bill	1253
Totten, Homicide at	629	Opening	1260
Union	44	Opening, Plan for	1241
Union Built	1168	Report of Treaty Commission	1204
Vermillion	46	Right of Way for Railroads Granted	1234-1236
Foster, James S. Head of New York Colony	334	Festival of Bands to Open	1281
Report of School Superintendent	384	Right of Way for Wagon Roads Granted	1241
School Report	471	Senate Does Not Confirm Treaty	1249
Report Superintendent Education	456	Judge Stanton Gives His Impressions	1252
Commissioner	852	Chief's Statement on Treaty	1247
Present, James C. with Noodin	79	Signed Treaty Intention of 1884	1251
French, G. W., Chief Justice	523	Sergeant Bull and Red Cloud Oppose Opening	1251
First to M. Plummer	100	The Treaty	1245-1283
Food & Company Trading Post	110	Treaty Bill Passes House and Senate	1266
Todd & Company Plat Yankton	119	Treaty Commission Appointed	1205
Fuller, A. G. Delivered to Congress	100	Treaty Convention at Pierre	1248
Fur Trade	39	Treaty Falls	1264
Traders and Companies	40	Gregory County Early Settlers	105
Manufacture of	48		
First Furs	40		
Gamble, Robert J., Fourth of July Orator	1845		
1845	1845		
1846	1846		



- Hackett, Edmond, Explores Mouse River Valley ..... 1210
- Hagaman, Robert, Assistant Adjutant General ..... 235
- Half Breeds, Red River ..... 84
- Hamilton, Major J. V. .... 154
- Hammond, J. H., Appointed Superintendent of Indian Affairs for Dakota. 1040
- Defends Policy in Effort to Forestall Public Opinion ..... 1041-1044
- Pernicious Activity Against Indian Agents ..... 1040-1050
- Removed ..... 1050
- Hancock, Major General, in Dakota. .... 682
- Hand, George H., Reaches Dakota. .... 431
- Appointed U. S. Attorney. .... 435
- Choice of People to Succeed Governor Howard ..... 1115
- Register of Yankton Land Office. .... 683
- Hanson, Joseph Mills. .... 49
- Poem, The Fur Traders. .... 49-50
- Hanson, Joseph R., in 1858. .... 133
- Clerk of Legislature. .... 197
- Appointed Indian Agent. .... 435
- Hardie, General, Investigates Militia Accounts ..... 393
- Harlan, A. J., Speaker. .... 261
- Harney Expedition, 1855. .... 59-60
- To Fort Pierre. .... 63
- Locates Fort Randall, 1855. .... 65
- Harrison's, President, Proclamation Admitting South Dakota. .... 1921
- State and Territorial Bill. .... 1719
- Harvests, Annual ..... 607
- Colossal Farms ..... 1031
- Encouraging Harvest, 1869. .... 608
- In 1877 Favorable. .... 1033
- Northern Wheat Fields. .... 1030
- Hayden, F. V., Professor of Geology, Dakota Territory ..... 69
- Report on Black Hills. .... 66
- Hayes, President, Visits Dakota and Delivers an Address. .... 1072
- Hayt, E. C., Indian Commissioner, Removal of ..... 1051
- Hearn, Major J. A., Agent at Grand River ..... 524
- Hermann, Hon. Binger, General Land Commissioner ..... 1
- Hill, James J., 1860-1-2. .... 88
- In North Dakota. .... 1098
- Historical Association and Lectures, 1863-4 ..... 348
- Members' Names ..... 350
- Hodnett, John Polk, Appointed Assessor. .... 526
- Hogan, James, Lynched at Vermillion. .... 445
- Hostile Indians Driven into Dakota, 1862 ..... 253
- Holman, C. J., Early at Yankton. .... 118
- Plan and Party ..... 118
- Homestead Law Requirements. .... 78
- Howard, Charles K. .... 114
- At Sioux Falls. .... 504
- Howard, William A., Appointed Governor ..... 1062
- Message to Legislature, 1879. .... 1081
- Death of ..... 1110
- Speaks at Vermillion State Fair. .... 1077
- Howard, William A., Visits Stricken Deadwood ..... 1104
- Howard, William A.—continued
- Memorial Services for. .... 1114
- Resolutions on Death of. .... 1111-1114
- Will of ..... 1115
- Hoyt, Rev. Melancthon. .... 145-214
- Hudson Bay Fur Company. .... 40-81
- Hudson, E. E., Crow Creek Trader, Accused of Fraud. .... 1043
- Case Heard by Indian Commissioners, Acquitted ..... 1047
- Hughes, Alexander ..... 676
- Hugo, Major W. H., Agent Poncas. .... 524
- Hunt, Washington ..... 41
- Hunter, Harry ..... 1545
- Huron Townsite Located. .... 1100
- Hutchinson & Bliss Statement ..... 274
- Immigration ..... 1298
- Agents in 1873. .... 719
- Board ..... 853
- Bohemian ..... 530
- German-Russian. .... 705, 713, 1107
- Icelanders ..... 1167, 1434
- In 1877 ..... 1033
- In 1879 ..... 1060
- Irish ..... 672
- National Bureau of. .... 1032
- Promoted ..... 851
- Spring of 1886. .... 1437
- Indians—Agents, Names of. .... 524, 764, 799
- Arickarees Defeated ..... 54
- Arthur, President, Views. .... 817
- Army Control of Indians, Opposition to ..... 753
- Army Officers for Agents. .... 751
- Army Seeks Control of Indians. .... 747, 753
- Baldheads, Aversion to. .... 804
- Beads, Use of Abolished. .... 802
- Census of the Indians. .... 1107
- Chiefs at Washington, 1877. .... 799
- Christianity and the Indians—
- Catholic Pioneer Missionaries. .... 774
- Christianity a Factor for Peace. .... 772
- Christianity, Influence of. .... 770
- Clarkson, Bishop, with the Poncas. .... 773
- Dakota Mission Memorial. .... 782
- De Balcourt, Father Anthony. .... 776
- De Smet, Father ..... 774
- Genin, Father ..... 777
- Marty, Bishop, and Others. .... 778
- Missionaries Report Progress. .... 790
- Missionaries, Work of. .... 763
- Presbytery Dakota Indians. .... 780
- Religious Denominations in Control. .... 764
- Spotted Tail Theology. .... 799
- Tomahawk's Faith ..... 780
- Ward's, Rev. Joseph, Report. .... 781
- Williamson's, Rev., Statement. .... 778
- Commission Visits Sioux in 1866. .... 752
- Crook, General, the Indians' Friend. .... 800
- Cupidity of the Pale Face. .... 799
- Devil's Lake Reservation. .... 835
- Education of Indians. .... 473, 810
- First Battle ..... 53
- Fur Trading Interest ..... 774
- Government Attitude Toward Indians. .... 744
- Government Policy Toward the Indians. .... 745
- The Great Britain's Treaty Policy. .... 744
- Grant's, President, Indian Policy. .... 764
- Grant's Indian Policy Message. .... 765
- Hayes, President, and the Indians. .... 800
- Hayes, President, Views. .... 815



- Kidder, Jefferson P.—continued  
 Appointed Associate Justice..... 523  
 Appointed Associate Justice, 1865..... 404  
 Death of ..... 1323  
 Defeated for Renomination, 1878..... 1066  
 Delegate and the President, 1875..... 937  
 Elected to Congress..... 1874  
 Nominated to Congress, 1874..... 989  
 Resigns Seat in Congress..... 728
- Kingsbury, W. W., First Delegate from  
 Dakota ..... 105
- Kittson, Norman W., First Settler..... 79
- Kittson, Norman W., Biography..... 85
- Knights of Pythias..... 1421
- Knights Templar ..... 1348
- La Barge, Joseph ..... 46
- Lake Kampeska and the Land Growth.. 704
- Lamb-Phillips Contest for Seats in the  
 House ..... 1300
- La Moure, Judson, in Politics.....
- La Moure, Judson, on Brule Creek.....
- Land District Entries, The Earliest.... 175
- Land Districts, 1879 ..... 1100
- Land Districts, Additional, Established.. 1216
- Land Office Established at Yankton.... 683
- Land Office at Vermillion, Removed to  
 Sioux Falls ..... 685
- Laramie County in Legislature..... 483
- Larpenteur, Fur Trader..... 46
- La Salle, Robert, Cavalier..... 1  
 Discoverer of the Mississippi..... 1
- Lawyers, Dakota, Bar Association..... 447
- Leavenworth, Colonel Henry..... 53
- Legislative Chaplain's Sermon..... 1320  
 Proceedings of 1883..... 1319
- Legislation, Certain, Forbidden..... 1474
- Legislatures, Governor's Messages, Names  
 of Members.  
 The First ..... 195-197  
 Second, 1862-3 ..... 258-264  
 Third, 1863-4 ..... 321-323  
 Fourth, 1864-5 ..... 381  
 Fifth, 1865-6 ..... 421  
 Sixth, 1866-7 ..... 450-452  
 Seventh, 1867-8 ..... 465-466  
 Eighth, 1868-9 ..... 505-506  
 First Biennial, 1870-1871..... 556-559  
 In Extra Session..... 587-620  
 In Extra Session Unauthorized..... 623  
 Tenth, 1872-3 ..... 672-676  
 Eleventh, 1874-5 ..... 996  
 Twelfth, 1877 ..... 1019  
 Thirteenth, 1879 ..... 1080  
 Fourteenth, 1881 ..... 1166  
 Fifteenth, 1883 ..... 1293  
 Sixteenth, 1885 ..... 1754  
 1886 ..... 1788  
 Last Territorial ..... 1552  
 First South Dakota ..... 1915  
 Seventh Session ..... 1459  
 Membership Reduced by Congress.... 1087  
 Passed Measures over Governor's Veto. 1172
- Lewis and Clark Expedition..... 7-38
- Camps ..... 36
- Lincoln, Abraham, Administration In-  
 dorsed ..... 316  
 Inaugural Message ..... 398  
 Thanksgiving Proclamation, 1863.... 318
- Lincoln County Organized..... 485
- Litchfield, L. H., Register of Deeds.... 230  
 Appointed U. S. Marshal..... 435
- Little Big Horn, Battle of..... 940
- Terry's Expedition to..... 938
- Little Crow, Santee Chief..... 233
- Indian War, 1862..... 1227
- Live Stock Industry, 1882..... 1227
- Livingston, Dr. H. F..... 413
- Appointed Agent at Crow Creek..... 1042
- Elected to Yankton Board of Educa-  
 tion ..... 1049
- Forcibly Removed as Agent..... 1043
- Trial of ..... 1045-1047
- Cases ..... 1040-1051
- Local Option ..... 1545
- Locusts, Seventeen Year..... 342
- Redlegged ..... 850
- Louisiana Territory Purchased by U. S.. 2  
 Boundaries of ..... 2
- Lounsberry, Colonel ..... 1566  
 C. D., Dakota Information..... 1794
- Manderson ..... 1436
- Lyman, William P., First White in Yank-  
 ton ..... 116
- McClellan, John, Sioux Falls..... 99
- McCook, Edwin Stanton, Homicide..... 720
- McCormack, Acting Governor..... 1467
- McCormack, M. L., Nominated for Con-  
 gress ..... 1137
- McFetridge, James, Collector Red River.. 86
- McHenry, James, First at Vermillion.... 126  
 Secretary ..... 168
- McIntyre, C. H., Minnesota Colony, 1866. 447  
 Elected to Legislature, 1868..... 495
- McKenzie, Alexander..... 1369
- McKenzie, Kenneth, Fur Trader..... 43
- Mackinaw Boat ..... 48
- Madoc, Prince, Welsh Explorer..... 20
- Mail Route from Yankton to Jamestown,  
 the First ..... 1059
- Mandan and the Bad Lands in 1880.... 1145  
 Indians and the Welsh Colony..... 18
- Mandans, Treaty with and Other Tribes. 1438
- Manitoba Meeting at Sioux Falls..... 1589
- Masons ..... 1585
- Masonic Grand Lodge..... 854
- Massacre at Fort Phil Kearney..... 441  
 Of Whites at Heart River, 1863..... 308  
 Indian Account..... 309
- Medary and Midway County..... 108
- Mellette for Governor..... 1568
- Mellette's, Governor, Message..... 1757  
 Message of 1886..... 1788  
 Thanksgiving Proclamation of 1889.. 1922
- Mennonite Memorial ..... 711
- Methodists, First Pioneer Preachers.... 129
- Methodist University at Mitchell Burned. 1538
- Military Forces in Dakota, 1878..... 1073  
 Officers as Indian Agents..... 524
- Militia of Dakota Called to Arms..... 235  
 Called Out; Second Proclamation.... 249
- Miller, E. W., Nominated for Congress,  
 1874, by Bolters..... 993
- Millers Organize ..... 1537
- Mills, A. J. .... 676
- Milwaukee Car Exhibit..... 1370
- Miner, Captain Nelson..... 131, 233  
 Official Report 1865..... 363  
 Appointed Register Land Office..... 435  
 Death of ..... 1105
- Miner, William, Early Survey..... 75
- Minnehaha County Reorganized..... 533
- Minnesota Territory ..... 79



Missionary Influence with Indians	1916
Mississippi and Missouri River Improvement Corporation of 1887	1186
Missouri River Commission	1186
Report of 1887	1191
Improvement Contract of 1887	1189
Missouri River,	
Overflows in 1887	1417
Upper Surveyed	1412
Route to Montana	
Montana Immigration	118
Moody, Hiram C.	117
Superintendent of Wagon Road	401
Candidate for Congress, 1872	664
Letter	662
Moody and Brokings Campaign, 1872	661
Mosquitos in Upper Mississippi River	411
Mouse River Valley Explored	1210
Name of State Discussed	1125
Names of the Dakota States—Origin of	1125
Napoleon Bonaparte	2
National Love Feast Convention	433
Natural Gas	1502
New Orleans Cotton Exposition	1363
Founded 1717	2
Newspapers	
Dakota's First Daily	841
First Democratic Newspaper in Dakota	684
Stony Falls Pentagraph	687
New York Colony to Dakota, 1864	11
Names of Members	335
Codes Adopted	400
Nicollet, Professor, Geologist	59
No Man's Land	81
Normal Schools First Mentioned	177
North and South Dakota, Twin States	1934
Northrup, Aaron	81
Northwest Fur Company	82
Norwegian Early Settlers	130
Lutheran Congregation	130
Old Fellows Grand Lodge	855
Official Canvass of 1888	1540
Official Votes for 1884	1361
Old Settlers' Association, First	211
Ordway, Governor, Agitates Capital Removal	1174
Nehemiah G., Appointed Governor	1111
Governor and Family Visit Black Hills	1122
Governor Favors One State	1122
Governor Decried	1128
Ordway's Governor—First Message to Legislature	1174
Interview in Washington	1176
Governor's Message to Congress	1176
Removal Desired	1650
Ordway, Governor, Seeks to Usurp Delegates' Powers	1177
Ex-Governor, Senatorial Ambitions	1932
Governor, Talks of Capital Location	1177
Products through the East	1122
Ordway and Teller Correspondence	1311
Output of Farms in 1884	1374
Organic Act, Preliminary Meetings	169
Text of the Law	172
Signature Attached	173
Organizing the Territory	177
Palmer, C. S., Appointed Assistant U. S. Attorney	1177

Public Land—continued		
Sale of Mooted.....	427	
At Public Sale.....	556	
Railroads—Badly Needed .....	536	
Various Items Concerning.....	592	
In 1858 .....	597	
Commission .....	1421	
Building in 1880.....	1143, 1183	
Construction and Rivalry in 1879.....	1108	
Legislation of 1879.....	1095	
Missouri & Niobrara.....	597	
Dakota & Northwestern.....	601	
McGregor & Western.....	604	
Companies Report to Legislature.....	606	
Yankton & Columbus .....	608	
La Crescent, Rochester & Yankton.....	609	
Missouri River Company.....	609	
Vermillion Valley & Northern.....	610	
Elk Point & Dakota.....	611	
Dakota Central .....	611	
Grank Trunk .....	613	
Dakota & Niobrara .....	613	
Dakota Southern .....	614	
Only Land Grant.....	615	
Building the First.....	615	
Dakota Southern to be Built.....	618	
Dakota Southern Sends Agent East.....	619	
Extra Session of Legislature.....	620	
County Bonds Authorized.....	621	
Bond Election in Yankton County.....	625	
Construction of Dakota Southern.....	626	
Clay County Defeats Bonds.....	628	
Elk Point Gives \$15,000.....	628	
Dakota Southern Built in 1872.....	630	
Yankton and Sioux City Terminals.....	630	
First Excursion Train.....	633	
Dakota Southern in Court.....	635	
Case Settled Out of Court.....	636	
Treasurer Cannot Collect Tax.....	639	
Yankton County Bonds in Court.....	640	
County Issues New Bonds.....	647	
Contest for Control.....	648	
Milwaukee and Northwestern Opponents .....	648	
Milwaukee and Northwestern Win.....	654	
In North Dakota .....	1424	
Railroad to Black Hills.....	1433	
Bismarck & Turtle Mountain.....	1211	
Central Pacific .....	1188	
Dakota Central .....	1099	
Great Northern .....	1493	
Illinois Central .....	1495	
Manitoba .....	1548	
Northern Pacific .....	700-1700	
Bridge at Bismarck Begun in 1880.....	699	
British Fur Traders Make Trouble.....	687	
Completed to Missouri River.....	694	
Congress Authorizes Surveys.....	687	
Construction Completed .....	700	
Construction in Dakota, 1871-2.....	690	
Construction Opposed by Indians.....	691	
Construction Suspended .....	697	
Construction Resumed .....	699	
Jay Cooke & Company to Finance Construction of .....	689	
Jay Cooke & Company Failure.....	697	
Jefferson Davis, Secretary of War, Policy Toward .....	687	
Mileage of .....	700	
Military Guards Railroad Surveyor.....	692	
Railroads—continued		
Northern Pacific—continued		
Railroad Chartered .....	688	
Renews Construction West of the Missouri .....	1099	
Surveys Extended to Yellowstone.....	693	
Terminus at Bismarck.....	699	
Terminus in Buffalo County.....	694	
Yellowstone Expedition of President Monroe .....	686	
St. Paul & Pacific Railroad Files Articles of Incorporation .....	1099	
Worthington & Sioux Falls Files Articles of Incorporation.....	1099	
Raymond, John B., Nominated for Congress .....	1131, 1223	
Elected to Congress.....	1226	
Views of Cleveland.....	1422	
Death of .....	1439	
Real Estate Boom.....	145	
Redfield, Alex H., Indian Agent.....	136	
Red River of the North—		
Carts .....	86	
Navigation .....	87	
Land Surveys .....	89	
Election District, 1861.....	91	
Counties, 1862 .....	92	
Vote, Its Legality in 1862.....	93	
Legislative Members .....	269	
Laws Repealed in 1862.....	270-328	
Countries .....	81-90	
Description of Settlements.....	583	
Conditions in 1871.....	585	
Reed, Washington and the Indians.....	246	
Relief Societies, 1874.....	842	
Religious Institutions .....	1372	
Religious Organizations Active.....	535	
Report of Territorial Officers—		
Auditor.....	129, 387, 389, 395, 482	
Treasurer.....	462, 482, 509, 539	
Adjutant General .....	480	
Superintendent of Schools.....	384, 456, 471	
Republicans Bury Hatchet.....	662	
Liberal .....	661	
Platform of 1874.....	989	
Unite .....	985	
Reunion. Soldiers and Sailors'.....	1025	
Rivers of the Territory.....	72	
Rolette, Joseph, First Settler.....	79	
Biography .....	85	
Roman Catholic Missionaries.....	84	
Roosevelt, Theodore, Dakota Ranchman.....	1409	
Rounds, George T.....	123	
Rudolph, W. C., Trader.....	46	
Schools, See Education.		
First Schoolhouse .....	122	
Textbooks .....	588	
Schurz, Carl, Appointed Secretary of Interior .....	1039	
First Annual Report.....	1040	
Annual Report, 1880 .....	1130	
Probes Methods of Indian Bureau.....	1039	
Seal of Territory.....	268	
Selkirk, Lord, 1882; His Fort Douglas on Red River .....	83	
Seventh Day Adventists.....	1499	
Seventh Standard Boundary.....	1782	
Shannon, Peter C., Defeated for Reappointment as Chief Justice.....	1182	

Sheridan, Gen. Philip H.	68
In Dakota	68
Makes a Report	104
Statement by	76
Sherman, Gen. W. T., in General Com- mand	115
Shinn, William, Collector Internal Re- venue	115
Sibley's Official Report, Campaign 1862	170
Silver Purchase	117
Sioux City Expedition to Black Hills	80
Largely a Product of Dakota	100
Sioux Falls	
Discovered	6
Incidents of Early Settlement at 1856	
7 S and Names of Settlers	97 100
Election, 1878	102
Evacuated, 1862	106
Judge Handman's Letter	108
W. W. Brookings, Early Days	111
E. J. De Witt, Early Days	112
D. M. Mills, Early Days	112
Byron M. Smith	112
Company A's First Battle	113
Quartzite	70
Wagon Road to Yankton	592
Modern Sioux Falls	1014
Efforts to Procure Railroads	1915
Sioux Falls Railroad Organized	1017
Will Subsidize No More Railroads	1018
Sioux Indians, Early History	77
Visit Washington, 1875	806
Visit Washington and Carlyle Indian School 1880	1125
Scandinavians, 1862 Indian War	240
Account by Ole and Louis Sampson	241
Slim Buttes, Battle of	957
Smith, Byron, Expedition to Black Hills	863
Smith, H. P., Madison Pioneer	132
Soldiers	
Needed in the South	248
Right to Vote	267
Home	1468
Sons of Temperance	854
Spear, British Captain Shot on Steamboat	528
An International Case	508
Case Taken to District Court	529
Verdict Irrefutable Homicide	530
Spice Payments Resumed	1108
Spink, S. L., Appointed Secretary, Elected Delegate	100
Candidate for Congress	488, 543, 547
Spotted Tail Assassinated	1100
Springer, Hon. William, Letter	1812
Omaha Bill	1766 1808
Omaha Bill Passes	1808
Springfield Land District	553
St. Joseph on Pembina River	84
Stanage, John, First Farmer	149
Stanley, Gen., Commanding Dakota	535
State Fair at Vermillion 1878	1077
Statehood and Division—	
Admission and Division	1298
Barnes, Judge, Addresses Division	1298
Bennett's State Bill	1621
Butler's, Secretary, Address on Admis- sion of Dakota into Union	1100
Citizens Convention at Canton	1632
Congress, Efforts to Have Nothing to Dakota	1100
Congress, State Making	1800

United States and Australia continued	
Doubt as to Rights	1817
Douglas, Stephen Augustus, Senator	
Term	1869
Draft Bill, House of Representatives	1844
Douglas, Stephen Augustus, Congressman	
Term	1854
Debate in Senate, 1885	1763
Dillon, A. M., Term	1864
Dismal Country Controversy	1808
Congressmen	1864
Congressman in Congress	1816
Law in America	1866
Legislative Memorial for	1615
Legislation Proposed	1616
North Dakota Conference on	1883
Northern United Fruit Farms	1888
Southern	1808
Vote on	1809
Edgerton, Judge A. J., Letter to Sen- ator M. C. Butler	1827
Enabling Act for North Dakota	1816
Harrison and Measuring an American of Dakota	1857
President Harrison's Proclamation Ad- mitting North Dakota	1934
Hill, Representative of Ohio, Dakota's Capital	1866
Howard, Governor, Exposed, Free States	1613
Immigrant New York on Admission of Dakota	1855
Importance of Dividing the Territory	1597
Delegate Widder's Great Speech	1605
Delegate Widder's One-State Bill	1618
Oakway Territory	1598
Oakway's Convention	1602
Oakway's Plan on Statehood	1602
Pembina Bill	1602
Pettigrew's Pembina Bill	1630
Pellissippi Statehood	1606
Preliminary Convention, June, 1883	1660
Seventh Standard Favored as Bound- ary	1607
Statehood	1609
Statehood and Division Sentiment in South	1606
Bills Approved	1606
Bills in Congress in 1882 for	1624
District, 1882	1606
Territorial Organization in North Da- kota	1602
American National Politics	1606
People's Movement	1606
Press On	1648 1653 1726
And Division, Discussion	1606
Of South Dakota	1913
In Spite of Congress	1656
And Division, Views on	1654
Two-State Convention	1856
Two-State Plan	1606
State League	1440-1745
State Commission Report on Land	1808
Land	1808
Sovereign States	
Frontier	18
Antiquities	18
Red River	88
Early Settlers (Early Settlers)	13
Names of Early Craft, Australia, Wil-	



- Steamboat Navigation—continued  
 On Red River..... 87  
 Days of ..... 565  
 Voyage of the First..... 565  
 Captain Joseph La Barge..... 566  
 First Boats ..... 567  
 Burning of the Chippewa..... 568  
 Names of ..... 570  
 Profits of ..... 570  
 Homicide on a Sand Bar..... 571  
 Battles with the Indians..... 572  
 Why Named Yellowstone..... 575  
 Frozen in, 1868..... 576  
 Tornado on the Yellowstone..... 577
- Steamboats—  
 Log of the Peninah..... 578  
 Log of the Fanchon..... 579  
 A Three Thousand Mile Journey..... 579  
 Missouri Reliably Navigable..... 580  
 Imprisoned in Mid-river..... 1149
- Steele, William R., Nominated for Congress ..... 1225
- Stickney, Mrs. George, First in Cole County ..... 157  
 Receiver of Land Office..... 435
- Stone, James N., Appointed Indian Agent. 435
- Strike-the-Ree 1857..... 115
- Stutsman County Contest in Legislature of 1877 ..... 1022
- Stutsman, Enos..... 117  
 President Council ..... 258  
 Appointed Treasury Agent..... 463  
 Elected Speaker..... 466
- Suffrage, No Denial on Account of Color. 458
- Sully, Gen. Alfred, on Red River..... 87  
 First Indian Expedition 1863..... 288  
 Official Report 1863..... 291  
 Grasshopper Experience ..... 344  
 Second Campaign ..... 353  
 Official Report ..... 357  
 Visited Sioux Indians ..... 751
- Sunday School Convention..... 1583
- Supreme Court, First Session..... 419  
 Seal of ..... 419
- Surveyor General Receives Preemption Filings ..... 175
- Tannatt, Dr. T. R., Only Union Officer at Fort Randall ..... 66
- Tariff, Dakota's Position on..... 1124, 1326
- Taylor, Franklin, Vermillion Pioneer.... 131  
 Appointed Collector ..... 464
- Teachers' Institute, First..... 462
- Telegraph Line, First..... 540  
 Completed to Standing Rock Agency.. 1108
- Teller, J. H., Statement on Great Sioux Reservation Treaty ..... 1247
- Territorial Board of Agriculture..... 1421  
 Bonds ..... 1470  
 Fair, 1874 ..... 855  
 Officers of 1873..... 720  
 Officers of 1887..... 1471  
 Political Situation, 1872..... 661
- Thomas, Col. Eighth Minnesota, Official Report, 1864 ..... 365
- Timber Culture Law, Requirements..... 78
- Todd, J. B. S..... 60  
 Nominated for Delegate..... 222
- Todd, J. B. S.—continued  
 Delegate Contest with Jayne..... 269  
 Given Seat in Congress..... 270  
 Elected Speaker ..... 450  
 Candidate for Congress..... 496
- Todd County Goes to Nebraska..... 1141, 1190
- Toohy, Dennis, Candidate for Congress. 498
- Treasurer's Report, First..... 462
- Treaties with the Indians—  
 Arickaree Indians ..... 55  
 Poncas, Dakota and Other Sioux..... 57  
 Yanktons ..... 117  
 Chippewas, Red River..... 86  
 Sissetons ..... 163  
 Hostile Indians ..... 111  
 Text of Yankton Treaty..... 137-140
- Tripp, Bartlett, Nominated for Congress. 1070  
 Appointed Chief Justice..... 1408  
 Visits Washington ..... 1867
- Tripp, Captain William, Company B, Dakota Cavalry, 1863 ..... 316  
 Appointed Surveyor General..... 435
- Turtle Mountain Country Opened to Settlement ..... 1212  
 Reserve ..... 1439
- Union Sentiment in Army Before Civil War ..... 63
- United States Agents for Sioux Indians in Dakota, 1878..... 1042
- United States, the Asylum for Oppressed 716
- Upper Missouri Land Company..... 117-134
- Vance, William J., Appointed Indian Commissioner ..... 1051
- Van Meter, A. C..... 117
- Van Osdel, L. A., with Sibley..... 277
- Van Tassel, Frank L., Pioneer Business Man ..... 1140
- Vermillion—  
 Early Settlers ..... 126  
 First Term of Court, 1861..... 129  
 Land District ..... 554  
 Destroyed by Flood..... 1152  
 Scoured by Fire..... 859
- Verendrye, Pierre Gaultier Varumes.... 81
- Villages, Half Breed..... 84
- Wagon Roads Built by United States... 404
- Waldson, George P., Sioux Falls Pioneer Provost Marshal ..... 313
- Wallace, Samuel J., Statement on Artesian Water Supply..... 1197
- War with Great Britain, 1812..... 44
- Ward, Rev. Joseph..... 478  
 Sermon of ..... 1308
- Warren, Lieut. G. K., Reports on Expedition to Black Hills..... 873
- Waterways Convention at Fargo..... 1776
- Weiseman Massacre ..... 306
- Welch, William, Visits Indians..... 660
- Wells, Artesian, in Clay County..... 1198  
 First in Dakota..... 1196  
 Statement of Samuel J. Wallace.....
- Western Town Company..... 99
- Wheat Farm, A. Dalrymple..... 1139  
 Yield in 1872..... 671  
 Yield in 1880..... 1139

Wicklin, D. G., Allotted Seat in Legislature . . . . .	1004	Wyoming . . . . .	
Wilkins, Turney, Appointed Secretary . . . . .	523	A Part of Dakota . . . . .	164
Williamson, Rev. John P., Letter of . . . . .	137-174	Territory Organized . . . . .	500
Winnebago and Santees at Crow Creek, 1864 . . . . .	200	Organic Act . . . . .	484
Dissatisfied . . . . .	547	Yankton . . . . .	
Winter of 1872-3 Extremely Cold . . . . .	703	Indians Council with Lewis and Clark . . . . .	10
Of 1880-81 Severest in History of State . . . . .	1148-1163	Indian Treaty, 1858 . . . . .	117
Wheat, John Thompson . . . . .	530	Indians Considered a Separate Tribe . . . . .	204
Wintermute Tragedy . . . . .	720	Lowmote Surveyed . . . . .	110
Witherspoon, James E. . . . .	243	In 1857 . . . . .	115
Wixson, Ely, Pioneer Elk Point . . . . .	136	Population of 1858 . . . . .	120
In 1862 . . . . .	209	Indians Remove to Reservation, 1859 . . . . .	141
Women's Christian Temperance Union . . . . .	1575	Land and Live Company . . . . .	144
Organized . . . . .	1107	The Capital . . . . .	200
Woman's Suffrage . . . . .	1402	Indians Reported Unfriendly . . . . .	237
Wright, Charles in Indian Skirmish . . . . .	112	In State of Siege, 1862 . . . . .	235
		Pawnee Treaty . . . . .	285
		Ziebach, Frank M., Weekly Dakotian . . . . .	175
		Captain, Militia . . . . .	206

9772-99-1

















